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LEGISLATIVE HISTORY

Public Law 359--84th Congress

Chapter 797--1st Session

H. R. 100

TABLE OF CONTENTS

Digest of Public Law 359	1
Index and Summary of History on H.R. 100	2

DIGEST OF PUBLIC LAW 359

Permits the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development by the U. S. subject to certain authority of the Secretary of the Interior.

REPORT OF THE COMMISSION

Protects the mining, development, and utilization of the
natural resources of all public lands within the national
forest system by the U. S. Forest Service in accordance
with the policy of the Interior.

INDEX AND SUMMARY OF HISTORY ON H.R. 100

January 5, 1955	H. R. 100 was introduced by Rep. Engle and was referred to the House Interior and Insular Affairs Committee. Print of bill as introduced.
February 1, 1955	House Committee ordered bill reported.
Feb. 22, 1955	House Committee further considered bill and again ordered it reported.
March 3, 1955	House Committee reported with amendment H. R. 100. House Report No. 86. Print of bill and report.
March 15, 1955	House passed bill as reported.
March 16, 1955	H. R. 100 referred to Senate Committee on Interior and Insular Affairs.
July 26, 1955	Senate Committee reported H.R. 100 with amendments. Senate Report No. 1150. Print of bill and report.
July 28, 1955	Senate passed bill as reported.
July 29, 1955	House and Senate conferees were appointed.
July 30, 1955	House received conference report. House report No. 1610. Print of conference report. Senate agreed to conference report.
August 1, 1955	House agreed to conference report.
August 11, 1955	Approved: Public Law 359, 84th Congress.

84TH CONGRESS
1ST SESSION

H. R. 100

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1955

Mr. ENGLE introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Mining Claims Rights
4 Restoration Act of 1955".

5 SEC. 2. All public lands belonging to the United States
6 now or hereafter withdrawn or reserved for power develop-
7 ment or power sites by statutory rights shall be open to entry
8 for location and patent of mining claims and for mining,
9 development, beneficiation, removal, and utilization of the
10 mineral resources of such lands under applicable Federal

1 statutes: *Provided*, That all power rights to such lands shall
2 be retained by the United States: *Provided further*, That
3 locations made under this Act within the revested Oregon
4 and California Railroad and reconveyed Coos Bay Wagon
5 grant lands shall also be subject to the provisions of the Act
6 of April 8, 1948, Public Law 477 (Eightieth Congress,
7 second session).

8 SEC. 3. Prospecting and exploration for and the develop-
9 ment and utilization of mineral resources authorized in this
10 Act shall be entered into or continued at the financial risk
11 of the individual party or parties undertaking such work:
12 *Provided*, That the United States, its permittees and licensees
13 shall not be responsible or held liable or incur any liability
14 for the damage, destruction, or loss of any mining claim, mill
15 site, facility installed or erected, income, or other property
16 or investments resulting from the actual use of such lands or
17 portions thereof for power development at any time where
18 such power development is made by or under the authority
19 of the United States, except where such damage, destruction,
20 or loss results from the negligence of the United States, its
21 permittees and licensees.

22 SEC. 4. The owner of any unpatented mining claim
23 located on land described in section 2 of this Act shall
24 file for record in the United States district land office of the
25 land district in which the claim is situated (1) within

1 one year after the effective date of this Act, as to any or all
2 locations heretofore made, or within sixty days of location
3 as to locations hereafter made, a copy of the notice of loca-
4 tion of the claim; (2) within sixty days after the expiration
5 of any annual assessment year, a statement as to the assess-
6 ment work done or improvements made during the previous
7 assessment year.

8 SEC. 5. Nothing in this Act contained shall be con-
9 strued to limit or restrict the rights of the owner or owners
10 of any valid mining claim located prior to the date of with-
11 drawal or reservation.

12 SEC. 6. Notwithstanding any other provisions of this
13 Act, all mining claims and mill sites or mineral rights located
14 under the terms of this Act or otherwise contained on the
15 public lands as described in section 2 shall be used only for
16 the purposes specified in section 2 and no facility or activity
17 shall be erected or conducted thereon for other purposes.

A BILL

To permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes.

By Mr. ENGLE

JANUARY 5, 1955

Referred to the Committee on Interior and Insular
Affairs

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued February 2, 1955
For actions of February 1, 1955
84th-1st, No. 17

CONTENTS

A.C.P.....3	Holiday.....,30	Price supports.....7,22
Acreage allotments.....6	Housing.....8	Property.....26
Adjournment.....11	Immigration.....13	Raw materials.....11
Appropriations.....9	Intergovernmental relations.....2	R.E.A.....18
Banking and currency.....23	Lands.....12	Reclamation.....12
Cotton.....28	Legislative program.....11	Report.....8
Dairy industry.....7,14	Loans, farm.....12,21	Rice.....25
Education.....16	Marketing quotas.....25,28	Roads.....10
Electrification.....12,18	Minerals.....12	School lunch.....14
Expenditures.....9	Organization executive.....1,2	Soil conservation.....3
Farm credit.....21	Personnel.....13,19	Taxation.....26
Foreign aid.....11	Postal rates.....24	Transportation.....29
Forestry.....12,15	Poultry.....7	Water pollution.....4,27
Grains.....7		Water utilization.....20
Grazing.....15		Wheat.....6
Health.....5,17		

HIGHLIGHTS: Senate passed bills to continue Reorganization Act and Intergovernmental Relations Commission. Senate received President's health message. Senate received USDA proposed bill to eliminate ACP small-payments increase requirement. Sen. Carlson introduced and discussed bill to repeal REA state allotment formula. Sen. Young introduced bill providing 90% price supports on basics for 3 years. Sen. Harting introduced and discussed bill to extend and strengthen Water Pollution Act.

SENATE

2. REORGANIZATION. Passed with amendment H. R. 2576, to continue the Reorganization Act of 1949. Agreed to an amendment by Sen. Humphrey to continue the Act for two years (until Apr. 1, 1957) instead of three years (as passed by the House). (pp. 886-7).
2. INTERGOVERNMENTAL RELATIONS. Passed without amendment H. R. 2010, to continue the Commission on Intergovernmental Relations until June 30, 1955, and to provide for submission of its final report by that date (p. 886). This bill will now be sent to the President.
3. SOIL CONSERVATION. Received from this Department a proposed bill to eliminate the provision in Sec. 8 (e) of the Soil Conservation and Domestic Allotment Act which requires that all ACP payments of less than \$200 be increased by a specified formula; to Agriculture and Forestry Committee (p. 859).
4. WATER POLLUTION. Received from HEW a proposed bill to extend and strengthen the Water Pollution Control Act; to Public Works Committee (p. 860).
5. HEALTH. Received from HEW a proposed bill to carry out the President's recommendations on health reinsurance, Government insurance of mortgage loans for construction of health facilities, grants to States for training of nurses,

etc.; to Labor and Public Welfare Committee (p. 860).

6. WHEAT ALLOTMENTS. Received a N. Dak. Legislature resolution requesting the Secretary of Agriculture to suspend acreage controls on durum wheat during 1955 (p. 860).
7. PRICE SUPPORTS. Sen. Langer inserted a constituent's letter favoring "90- percent parity on grains grown and a support on egg and cream prices" (p. 879).
8. HOUSING. Received the Budget Bureau's report on operations under Budget Circular No. A-45, requiring adequate rental rates on Government housing facilities (p. 880).
9. APPROPRIATIONS; EXPENDITURES. Sen. Byrd inserted a report by the Joint Committee on Reduction of Nonessential Federal Expenditures showing appropriations, authorizations, expenditures, and unexpended balances for the executive branch of the Government as of June 30, 1954 (pp. 882-3).
10. ROADS. Sen. Robertson discussed the Clay Commission's proposals for a 10-year Federal highway program, questioned the Federal Government's proposed program as an "assumed power", and stated we "should move cautiously in exercising it" (pp. 887-91).
11. ADJOURNED until Fri., Feb. 4. Legislative program for Fri., as announced by Sen. Clements: Various Senate resolutions, including extension of the time for the Foreign Relations Committee to study technical assistance and related programs, and providing additional funds for the Interior and Insular Affairs to study the accessibility of critical raw materials (p. 908).

HOUSE

12. LANDS; MINERALS. The Interior and Insular Affairs Committee ordered reported H. R. 100, to permit mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development; H. R. 103, to authorize the Interior Department to make loans for the construction of distribution systems on authorized Federal reclamation projects by irrigation districts and other public agencies; and H. R. 230, relating to acquisition and disposition of sand, stone, gravel, pumice, and cinders on national forest lands (p. D54).

ITEMS IN APPENDIX

13. PERSONNEL; IMMIGRATION. Sen. Lehman inserted and commended the text of a radio broadcast discussing the problems of immigration and the present loyalty-security program and stating that "we figuratively burn at the stake Government servants who have performed no disloyal act" (p. A553).
14. SCHOOL LUNCH. Sen. Thye inserted a constituent's letter requesting that the school-lunch program be continued and that more milk be used in this program (p. A555).

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued February 24, 1955

For actions of February 22, 23, 1955

84th-1st, Nos. 32-33

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

CONTENTS

ACP.....1,39	Foreign affairs.....9	Soil conservation.....1
Acreage	Forestry.....5,22,26,48	Soybeans.....2
allotments.....1,18,28,44	Investigations.....9,13,19	Statehood.....7,11,14
Adjournment.....17	Labor.....13	Sugar.....33
Air pollution.....19	Lands.....6,56	Surplus commodities.....10
CCC.....10	Livestock.....46,49,54	Tariffs.....8,21
Civil defense.....15	Marketing.....46	Taxation.....4,20,40
Coffee.....27	Minerals.....6,56	Textiles.....13,21
Cotton.....18,35,44	Monopolies.....23	Trade agreements.....29,58
Crop insurance.....37	Paperwork.....12	Transportation.....54
Drought relief.....7	Patents.....45	Treaties.....8
Education.....30	Personnel.....53	Veterans' benefits.....42
Electrification.....7,24,34	Price supports.....51	Virgin Islands.....38
Family-size farms.....55	Purchasing.....25	Water pollution.....61
Farm credit.....57	REA.....34	Water utilization.....47,60
Farm life.....32	Reclamation.....7,24,52,59	Weather research.....19
Farm machinery.....13	Reporting.....58	Wheat.....28
Farm program.....16	Roads.....3,31,36	Wildlife.....50
Feed.....49	Small business.....25	Wool.....43
Flood control.....24,41		

See end of Digest for highlights.

HOUSE Feb. 22

1. SOIL CONSERVATION. The Agriculture Committee reported without amendment H. R. 1573, to repeal Sec. 348 of the Agricultural Adjustment Act of 1938, which makes ACP payments contingent upon compliance with acreage allotments on basic crops (H. Rept. 67)(p. 1614).
2. SOYBEANS. Rep. Jones, Mo., spoke against the Department's proposed revision of the soybean grade standards, claimed that every person attending the Memphis hearing on this proposal expressed opposition to it, and inserted a constituent's letter to the Department on this subject (pp. 1610-1, 1128-9, 1134-5).
3. HIGHWAYS. Both Houses received the President's message on national highways (H. Doc. 99)(pp. 1597, 1606-7).
4. TAXATION. The Ways and Means Committee reported without amendment H. R. 4259, to extend for 1 year the existing corporate normal-tax rate and certain excise-tax rates, and provides a \$20 credit against the individual income tax for each personal exemption (H. Rept. 69)(p. 1614).

5. FORESTRY. Both Houses received from this Department a proposed bill to authorize the Secretary to establish townsites within the national forests; to H. Agriculture Committee and S. Agriculture and Forestry Committee. (pp. 1614, 1617). Received an Alaska Legislature resolution favoring issuance of a fee-simple title to the Pacific Northern Timber Co. of certain necessary tidelands in Shoemaker Bay (p. 1615).

6. MINERALS; LANDS. The "Daily Digest" states that the Interior and Insular Affairs reconsidered H. R. 100, to permit mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, adopted an amendment thereto, and again ordered the bill reported (p. D128).

7. RECLAMATION; ELECTRIFICATION; DROUGHT RELIEF; STATEHOOD. Received various State Legislature resolutions and other petitions favoring authorization of the Libby project, extension of the emergency drought relief feed program, and statehood for Alaska (p. 1615).

8. TARIFFS; TREATIES. Received a Mass. Legislature memorial opposing legislation lowering tariffs on imports of rubber products, and a Knights of Columbus (Brooklyn, N. Y.) petition favoring the Bricker amendment to restrict the President's treaty power (p. 1615).

9. INVESTIGATIONS. The Rules Committee reported with amendment H. Res. 91, authorizing the Foreign Relations Committee to investigate matters under its jurisdiction, including laws, regulations, etc., of the State Department and other Departments, etc., which participate in the development and execution of foreign policy (H. Rept. 64); and with amendment H. Res. 105, authorizing the Interstate and Foreign Commerce to investigate matters under its jurisdiction (H. Rept. 65) (pp. 1608-9).

SENATE - Feb. 22

10. SURPLUS COMMODITIES. The Agriculture and Forestry Subcommittee on Agricultural Exports ordered reported with amendment S. 752, to amend the Agricultural Trade Development and Assistance Act of 1954 so as to eliminate the requirement that privately owned stocks exported thereunder be replaced from CCC stocks. The "Daily Digest" states that the amendment would require sales to be charged off against the set-aside under the Agricultural Act of 1954. (p. D126.)

11. STATEHOOD. Sen. Neuberger discussed Alaska-Hawaii statehood, stating that "Secretary McKay has dragged his heels on Alaskan statehood, repudiating his onetime support of such a step," and inserted two Oreg. Legislature resolutions on this subject (p. 1597).

SENATE - Feb. 23

12. PAPERWORK. Both Houses received from the Commission on Organization of the Executive Branch of the Government (Hoover Commission) a report "Paperwork Management, Part I, in the United States Government, pursuant to Public Law 108, 83rd Congress" (H. Doc. 92); and the Commission's task force report on paperwork to Government Operations Committees (pp. 1614, 1617). This report will not be available from the Legislative Reporting Staff. Pursuant to a special arrangement, each agency of the Department is ordering its own supply of the report directly from the Government Printing Office.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued March 7, 1955
For actions of March 3 & 4, 1955
84th-1st, Nos. 39 & 40.

CONTENTS

A.C.P.....21,31	Flood control.....24	Reclamation.....7
Acreeage allotments8,21,31,32	Food inspection.....30	Small business.....33
Adjournment.....3,15	Foreign affairs.....13	Soil conservation.21,31,40
Appropriations2,3,30,40,41	Forestry.....5,27	Statehood.....1
Buildings.....36	Future farmers.....22	Surplus commodities4,15,23
Buy American.....35	Grain.....23,30,34	Surplus property.....9,16
C.C.....4,23,34	Information.....39	Tariffs.....11
C.E.A.....15	Lands.....1,5,6,7	Textiles.....11
Civil defense.....9,28	Legislative program...3,15	Tobacco.....10
Claims.....38	Loans, farm.....6	Trade agreements.....12
Cotton.....32	Minerals.....1	Transportation.....17
Disaster relief.....6	Monopolies.....14,29	Treaties.....7
Education.....7,26	Personnel.....13,18,38	Water conservation...20,24
Farm credit.....15	Postal rates.....37	Water utilization.....2,20
Feed.....34	Price supports.....25	Wheat.....8,23
	Purchasing.....10,39	Wind-erosion.....40
	Recess.....3	

HIGHLIGHTS: House committee reported Hawaii-Alaska statehood bill. Senate passed bill to permit use of private stocks in exports under Public Law 480. Senate committee reported bill to give certain N. Mex. lands national-forest status. House subcommittee voted to report bill on donation of surplus property for education, etc. Received from USDA proposed bills to continue livestock loan program and to dispose of LU lands. Sen. Byrd introduced and discussed measure to provide consolidated appropriation bill. Rep. Abbitt inserted USDA's recommendations for burley tobacco program.

HOUSE 4 March 3

1. ~~STATEHOOD; PUBLIC LANDS; MINERALS.~~ The Interior and Insular Affairs Committee ~~reported with amendment H. R. 2535, the Hawaii-Alaska statehood bill (H. Rept. 88), and H. R. 100, to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development (H. Rept. 86) (pp. 1991, 1995-6).~~
2. WATER UTILIZATION. Received an Ark. Senate memorial urging appropriations for the beginning of construction of certain dams within Arkansas on the Arkansas River (p. 1996).
3. ADJOURNED until Mon., Mar. 7. Majority Leader McCormack announced the following tentative schedule for receiving appropriation bills: Treasury-Post Office in the week of March 14, Second Supplemental on March 18, Labor Department and related agencies in the week of March 21, and Interior Department on March 24. The Majority Leader also announced that the House will recess for Easter from Apr. 4, to Wed., Apr. 13. (p. 1990).

SENATE - March 4

4. SURPLUS COMMODITIES. Passed as reported S. 752, to eliminate the requirement that privately owned stocks exported under Public Law 480, 83rd Congress, be replaced from CCC stocks. Agreed to the committee amendment which requires the set-aside under Sec. 101 of the Agricultural Act of 1954 to be reduced by the quantity of private stocks exported under title I of Public Law 480. (pp. 2033, 2037-9.)
5. FORESTRY. The Agriculture and Forestry Committee reported without amendment S. 72, providing that certain lands conveyed to the U. S. by M. Mex. situated within the Lincoln National Forest shall be administered as national forest lands (S. Rept. 43)(p. 2004).
6. LIVESTOCK LOANS; LU LANDS. Received from this Department proposed bills to continue the emergency livestock-loan program and to dispose of title III Bankhead-Jones Farm Tenant Act lands; to Agriculture and Forestry Committee (p. 1998).
Received a N. Mex. Legislature memorial favoring adequate sources of farm credit to N. Mex. farmers, particularly those stricken by the drought and other disasters, including extension of the emergency livestock-loan program (p. 2001).
7. LANDS; EDUCATION; RECLAMATION; TREATIES. Received various State legislature memorials, and other petitions, favoring legislation to grant 2 million acres of Federal land in trust to N. Mex. for public school buildings, to authorize the Colo. reclamation project, and to restrict the President's treaty power (pp. 2000-3).
8. WHEAT ALLOTMENTS. Sen. Langer inserted and spoke in support of a N. Dak. Legislature resolution requesting that steps be taken to establish a minimum of 100 acres for each hard spring wheat grower in N. Dak., and other States producing such wheat and "which are now faced with hardship resulting from... unfair discrimination" (p. 2000).
9. SURPLUS PROPERTY; CIVIL DEFENSE. Received from GSA a proposed bill to amend the Federal Property and Administrative Services Act of 1949 so as to authorize the disposal of surplus property for civil defense; to Government Operations Committee (p. 1999).
10. PURCHASING. Received the President's message recommending 2-year extension of the Renegotiation Act of 1951, which provides for the renegotiation of defense contracts (pp. 1997-8).
11. TEXTILES; TARIFFS. Sen. Lehman inserted an Amsterdam, N. Y., Chamber of Commerce petition opposing further cuts in tariffs on carpets and rugs, and expressed concern over the distressed labor conditions in the Amsterdam area (p. 2004).
12. TRADE AGREEMENTS. Sen. Capehart submitted an amendment he intends to propose to H. R. 1, the trade agreements Bill (p. 2020).

PERMITTING THE MINING, DEVELOPMENT, AND UTILIZATION OF
THE MINERAL RESOURCES OF ALL PUBLIC LANDS WITHDRAWN
OR RESERVED FOR POWER DEVELOPMENT

MARCH 3, 1955.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. ENGLE, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany H. R. 100]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 100) to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill do pass.

The amendment is as follows:

Page 3, following line 17, add the following new section:

SEC. 7. No mining claim located pursuant to this Act upon surveyed or unsurveyed land, title to which, except for such location, would following the termination of the withdrawal or reservation vest in a State for the support of the common or public schools shall create any rights as against the State, and the existence of the claim shall not prevent the vesting of the title in the State.

BACKGROUND HISTORY OF H. R. 100

The House Committee on Interior and Insular Affairs, through its Mines and Mining Subcommittee, and working with coordinate legislative committees, has given continuing effort to encouraging maximum development of the Nation's mineral resources, resources which are indispensable and essential to peacetime economy and in maintaining preparedness for defense of the Nation in time of war.

Legislative measures aimed at promoting mineral resources development must be considered in light of these established facts:

First, mineral resource utilization comes about only after (1) prospecting; (2) exploration; and (3) development. Yet, although the United States Geological Survey has been engaged in mapping ac-

tivities since 1880, as of January 1, 1954, less than 1 percent of the land area of the United States has been included in geological investigations.

Second, only 12.7 percent of the United States total land area has been geologically mapped.

Third, only 31.1 percent of the total land area of the United States has been topographically mapped by the United States Geological Survey.

Fourth, the domestic mining industry, in the past 30 years, has found itself struggling for survival in many areas, while at the same time long-range planning underscores the undisputed need for self-sufficiency in strategic and critical materials, together with protection of our going coal, petroleum, and other established operating industries.

The problem

A historic problem, easily framed, extremely difficult of legislative solution, is this: How best permit activity on the vast expanses of public domain compatible with conservation and wise utilization of competing resources development? Grazing regulations must be drawn consistent with preservation of our water and timber resources. Planning of projects for impoundment and diversion of water resources for irrigation and reclamation purposes must recognize fish and wildlife benefits. Mineral resource development must be carried out in such manner as to assure minimum disturbance or destruction of such surface values as forest resources. Mineral resource development which appears necessary today must take into consideration preservation of tomorrow's potential sites for hydroelectric power development.

It is with the latter problem that H. R. 100 deals.

Existing statutory provisions

There have existed for a number of years two principal statutory bases for withdrawal of public lands for power purposes or for classification of such lands as power sites valuable for power purposes.

By the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), the Director of the Geological Survey is authorized to classify public lands, and to examine the geological structure, mineral resources, and products of the national domain. Until June 10, 1947, classification action by the Geological Survey was subject to concurrence by the Commissioner of the General Land Office (Bureau of Land Management after July 16, 1946), and the approval of the Secretary of the Interior. Since June 10, 1947, the Director of the Geological Survey, without prior secretarial approval, has had authority to classify public domain lands as power sites valuable for power purposes, and to modify such classifications.

Power site reserves are withdrawals authorized by the act of June 25, 1910, as amended (36 Stat. 847; 37 Stat. 497; 43 U. S. C. 141-143). This authority, which the statute vests in the President, has been delegated by him to the Secretary of the Interior. Until 1920, withdrawals under this act were subject to metalliferous mineral explorations.

In recent years, according to advice from the Department of the Interior, the classification method is the one most generally used.

Operation of the Federal Power Act of 1920

The Federal Power Act of June 10, 1920, as amended (41 Stat. 1075; 49 Stat. 846; 16 U. S. C. 818), operated to reserve lands withdrawn or classified for power purposes from location, entry, or selection generally, specifically procluding locations under mining law unless and until—

First, the Federal Power Commission, pursuant to section 24 of the Federal Power Act, renders a determination that the power value of the lands involved will not be injured or destroyed by such location, subject to certain terms and conditions of section 24; and

Second, the lands are restored to location by an appropriate order of the Secretary of the Interior.

Effect of existing law and procedures

As has been indicated, under the present law, lands withdrawn or reserved for power development or power sites may be restored in individual parcels to entry and location under Federal mining law whenever their value for power purposes would not be injured or destroyed as a result of such restoration. Existing procedure requires the Federal Power Commission and the Department of the Interior to consider each proposed restoration individually, on its own merits. Since individual mining claims are of approximately 20 acres, the present cumbersome procedure has resulted in a waste of funds disproportionate to prospective benefits, and undue delay in processing applications, and—more important—has proved ineffective with respect to permitting development of the mineral resources of the withdrawn areas.

In short, in practical operation, areas once withdrawn remain closed to entry, effectively blocked by present unworkable statutory procedures.

More than 7 million acres of public lands, all in the West, are withdrawn or reserved for power development or power sites. Approximately 95 percent of this land has been so withdrawn for more than 44 years, or since 1910; such withdrawn lands have thus been closed to prospecting, development, and mining under the mining laws of the United States. In many instances the chances of utilization for power purposes are remote, at least for the present.

Large deposits of uranium are believed to exist in several areas set aside for power sites; legislation having as its purpose opening areas now withdrawn for power-site purposes would permit location and patenting of claims for uranium deposits. In this connection, attention is directed to a report to the Senate Interior Committee by the Atomic Energy Commission dated May 11, 1954, on predecessor legislation in the 83d Congress, which declares in part:

* * * The domestic uranium procurement program of the Atomic Energy Commission depends to a great extent on the discovery and development work of private individuals operating under the mining laws. As the proposed act would open up new areas for private development of uranium deposits, we believe it would be in aid of our program of acquiring available uranium * * *.

The need

With the foregoing in mind, the committee has concluded that legislation is needed modifying existing statutory procedure for locating of mining claims on areas reserved or withdrawn for power sites, such mineral development to be carried out without destroying the power-site potential of these areas.

4 PERMIT USE OF MINERAL RESOURCES OF CERTAIN PUBLIC LANDS

H. R. 100 is responsive to that need.

Predecessor legislation having the same purpose as H. R. 100, the present bill, was introduced in the 81st, 82d, and 83d Congresses; this committee has 3 times reported, and the House has 3 times passed, such legislation.

EXPLANATION OF THE PRESENT BILL

H. R. 100, as amended, would open more than 7 million acres of public lands in the West to mineral development under the mining laws, subject to conditions and procedures set out in the bill.

Citation of act

Section 1 declares that this act may be cited as the "Mining Claims Rights Restoration Act of 1955."

Entry permitted and conditions thereof

Section 2 operates to open to entry under Federal mining laws public lands presently withdrawn or reserved for power development or power sites; public lands so withdrawn and reserved in the future would be subject also to entry under the conditions provided for in the act.

Purposes for which entry could be made include location and patent of mining claims, and for mining, development, beneficiation, removal, and utilization of the mineral resources of such lands—all to be carried out under existing laws regulating such activities.

This section limits the effect of entry in two respects:

First, by declaring that notwithstanding entry, all power rights to such lands shall be retained by the United States; and

Second, by making locations made under this act within the revested Oregon and California Railroad and reconveyed Coos Bay Wagon grant lands subject to the provisions of the act of April 8, 1940 (62 Stat. 162). The 1948 act reserves timber on lands included from claims by the locator, except for such timber as may be necessary in the development or operation of his mine until such timber is disposed of by the United States.

Protection of Federal interest

Section 3 would operate to protect the interest of the United States on two counts.

This section declares that prospecting and exploration for and development and utilization of mineral resources as authorized in this act shall be at the financial risk of the party or parties undertaking such work.

The proviso in this section is in the nature of a "hold harmless" clause providing that the United States shall not be responsible or held liable or incur any liability for the damage, destruction, or loss of any mining claim, facility, etc., resulting from the actual use of such lands for power development by or under the authority of the United States, except where such damage, destruction, or loss results from the negligence of the United States, its permittees and licensees.

Recording, reporting provisions

Section 4 establishes recording and assessment reporting requirements for unpatented mining claim locations made prior to the effective date of this act and recording and assessment reporting requirements for locations which might be made after the date of the act.

In adopting the following language—

The owner of any unpatented mining claim located on land described in section 2 * * * as to any or all locations heretofore made—

it should be understood that this language refers to claims based on valid entry; e. g., where a locator has made entry prior to the withdrawal or reservation for power site purposes of the lands entered.

In short, the language of H. R. 100 as reported by the committee does not validate locations or claims based on entry after public lands have been withdrawn or reserved for power development and prior to restoration.

Section 4 would require owners of any unpatented mining claim to file for record in the United States district land office of the land district in which the claim is situated a copy of a notice of location of the claim within 1 year after the effective date of this act as to any or all locations made prior to the effective date; for locations made after the effective date of this act such filing for record must be made within 60 days of location. All claimants would be required to file for record within 60 days after the expiration of any annual assessment year a statement as to the assessment work done or improvements made during the previous assessment year.

Protection of existing valid claims

Section 5 makes clear the committee intent that rights arising from any valid claim located prior to the date of withdrawal or reservation are not limited or restricted in any way by this act.

Requirement of conforming use

Section 6 constitutes a prohibition against use of any facility or conduct of any activity for any purpose other than location or patent of mining claims for mining, development, beneficiation, removal, and utilization of the mineral resources of such lands.

Committee amendment: State school lands provisions

The committee has adopted an amendment to the printed bill to be designated as section 7 of the act. This section has been added to assure that title to school sections awarded to the States through their enabling acts but not transferred to them to date because of lack of survey or because of the existence of a withdrawal would, upon termination of the withdrawal or reservation for power site purposes, vest in affected States for the support of the common or public schools. The language of the new section declares that mining claims located pursuant to this act shall not operate to create any rights in the claimant as against the State and that the existence of such claims shall not prevent the vesting of title in the States.

Additional committee comment

In reporting this bill, it is the desire of the committee that the report show that the phrase "withdrawn or reserved" is construed to have the same meaning as "withdrawn and reserved."

Further, the committee reports this legislation with the understanding that development of resources of leasable minerals, including oil and gas, on the lands affected by this act, would continue under present laws and regulations and that the procedure provided in such laws and regulations is not modified by the terms of H. R. 100.

The committee, in considering this legislation, had the benefit of the oral testimony of representatives of the Department of the Interior and in addition has appended to this report the reports on H. R. 100 from the Federal Power Commission and the Department of Agriculture.

FEDERAL POWER COMMISSION REPORT ON H. R. 100, 84TH CONGRESS, A BILL TO PERMIT THE MINING, DEVELOPMENT, AND UTILIZATION OF THE MINERAL RESOURCES OF ALL PUBLIC LANDS WITHDRAWN OR RESERVED FOR POWER DEVELOPMENT, AND FOR OTHER PURPOSES

FEBRUARY 1, 1955.

This bill would permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development without the necessity of a determination by the Federal Power Commission pursuant to section 24 of the Federal Power Act (16 U. S. C. 818).

Section 24 of the act is designed to furnish adequate protection for future power development by authorizing the Commission to examine the effect upon the power value of lands of the United States withdrawn or reserved which may result from entry, location, or selection under the public land laws for other purposes than power development. If the Commission determines that the power value will not be injured or destroyed by such other use, it so advises the Secretary of the Interior, who is directed by section 24 to declare such lands "open to location, entry, or selection, for such purpose or purposes and under such restrictions as the Commission may determine, subject to and with a reservation of the right of the United States or its permittees or licensees to enter upon, occupy, and use any part or all of said lands necessary, in the judgment of the Commission, for the purposes of this Part, which right shall be expressly reserved in every patent issued for such lands; and no claim or right to compensation shall accrue from the occupation or use of any of said lands for said purposes. The United States or any licensee for any such lands hereunder may enter thereupon for the purposes of this Part, upon payment of any damages to crops, buildings, or other improvements caused thereby to the owner thereof, * * *"

Section 2 of the bill would make unnecessary such individual considerations by the Commission of the effects upon power values where mineral development or use may be permitted by the Secretary of the Interior.

Section 3 of the bill is designed to stimulate fuller development and utilization of mineral resources upon lands of the United States withdrawn or reserved for power purposes by relieving the United States or its licensees from liability for payment of damages to claims, properties, or investments of mineral developers which might otherwise unduly burden or actually prevent use of the reserved lands for power purposes.

The Commission recommends the enactment of H. R. 100.

FEDERAL POWER COMMISSION.
By JEROME K. KUYKENDALL,
Chairman.

DEPARTMENT OF AGRICULTURE,
Washington 25, D. C., February 9, 1955.

HON. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
United States House of Representatives.*

DEAR CONGRESSMAN ENGLE: Reference is made to your request of January 18 for a report by this Department on H. R. 100, a bill to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes.

We have no objection to the enactment of H. R. 100.

There are about 3½ million acres of national forests proclaimed from the public domain that are now in power withdrawals. H. R. 100 would open these power withdrawals to mineral development under the general mining laws.

This Department favors the opening of power withdrawals in the national forests to legitimate mineral development, with the continued protection for power purposes that would be provided in H. R. 100. The Department also believes that certain basic amendments are needed to the general mining laws as

they apply to the national forests and other lands administered by this Department. The Department is now formulating its position with respect to such needed amendments and other mineral development authority in the light of its reports to the 83d Congress on S. 783, H. R. 5358, and S. 1561. However, we believe that H. R. 100 is not the proper vehicle for amendment of the mining laws, and that such amendments should be made in general legislation rather than in connection with H. R. 100 with its limited applicability to power withdrawals.

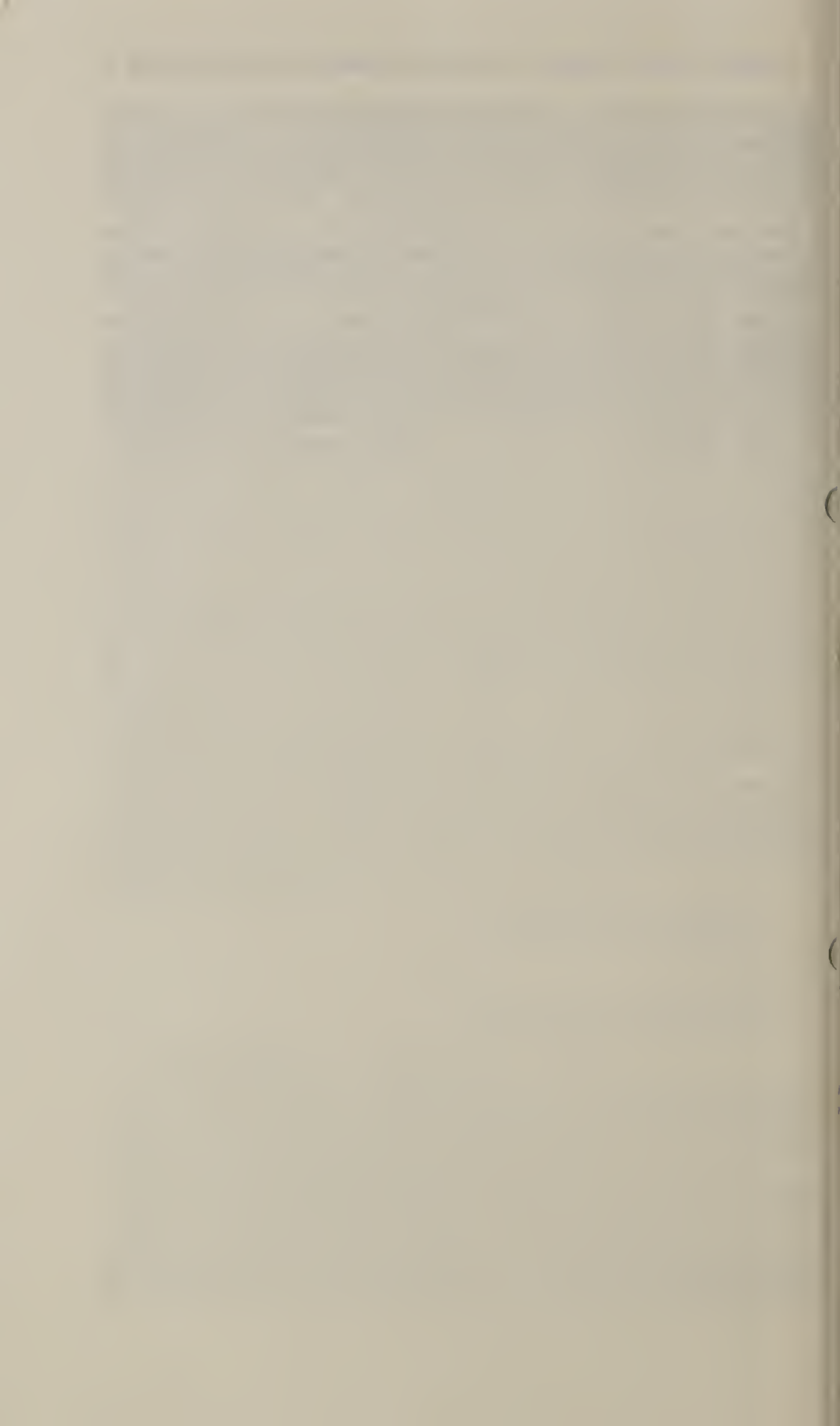
When the Department submits its recommendations on amendment of the mining laws, these would apply to all national forest lands subject to the mining laws, including those in power withdrawals if H. R. 100 were enacted. The Department's position on H. R. 100 would not prejudice its overall position with respect to needed revision in the mining laws.

On February 1, hearings were held by your committee on this bill and, although the departmental representative did not testify, you requested at the conclusion of the hearing that the Department submit its report to the committee as promptly as possible and without waiting for reference to the Bureau of the Budget. In view of this time limitation, we have not obtained the advice of the Bureau of the Budget regarding the relationship of this bill to the program of the President.

Sincerely yours,

TRUE D. MORSE, *Under Secretary.*

○



84TH CONGRESS
1ST SESSION

H. R. 100

[Report No. 86]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1955

Mr. ENGLE introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

MARCH 3, 1955

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Insert the part printed in italic]

A BILL

To permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Mining Claims Rights
4 Restoration Act of 1955".

5 SEC. 2. All public lands belonging to the United States
6 now or hereafter withdrawn or reserved for power develop-
7 ment or power sites by statutory rights shall be open to entry
8 for location and patent of mining claims and for mining,
9 development, beneficiation, removal, and utilization of the
10 mineral resources of such lands under applicable Federal

1 statutes: *Provided*, That all power rights to such lands shall
2 be retained by the United States: *Provided further*, That
3 locations made under this Act within the revested Oregon
4 and California Railroad and reconveyed Coos Bay Wagon
5 grant lands shall also be subject to the provisions of the Act
6 of April 8, 1948, Public Law 477 (Eightieth Congress,
7 second session).

8 SEC. 3. Prospecting and exploration for and the develop-
9 ment and utilization of mineral resources authorized in this
10 Act shall be entered into or continued at the financial risk
11 of the individual party or parties undertaking such work:
12 *Provided*, That the United States, its permittees and licensees
13 shall not be responsible or held liable or incur any liability
14 for the damage, destruction, or loss of any mining claim, mill
15 site, facility installed or erected, income, or other property
16 or investments resulting from the actual use of such lands or
17 portions thereof for power development at any time where
18 such power development is made by or under the authority
19 of the United States, except where such damage, destruction,
20 or loss results from the negligence of the United States, its
21 permittees and licensees.

22 SEC. 4. The owner of any unpatented mining claim
23 located on land described in section 2 of this Act shall
24 file for record in the United States district land office of the
25 land district in which the claim is situated (1) within

1 one year after the effective date of this Act, as to any or all
2 locations heretofore made, or within sixty days of location
3 as to locations hereafter made, a copy of the notice of loca-
4 tion of the claim; (2) within sixty days after the expiration
5 of any annual assessment year, a statement as to the assess-
6 ment work done or improvements made during the previous
7 assessment year.

8 SEC. 5. Nothing in this Act contained shall be con-
9 strued to limit or restrict the rights of the owner or owners
10 of any valid mining claim located prior to the date of with-
11 drawal or reservation.

12 SEC. 6. Notwithstanding any other provisions of this
13 Act, all mining claims and mill sites or mineral rights located
14 under the terms of this Act or otherwise contained on the
15 public lands as described in section 2 shall be used only for
16 the purposes specified in section 2 and no facility or activity
17 shall be erected or conducted thereon for other purposes.

18 *SEC. 7. No mining claim located pursuant to this Act*
19 *upon surveyed or unsurveyed lands, title to which, except*
20 *for such location, would following the termination of the*
21 *withdrawal or reservation, vest in a State for the support*
22 *of the common or public schools shall create any rights as*
23 *against the State, and the existence of the claim shall not*
24 *prevent the vesting of the title in the State.*

84TH CONGRESS
1ST SESSION

H. R. 100

[Report No. 86]

A BILL

To permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes.

By Mr. ENGLE

JANUARY, 5, 1955

Referred to the Committee on Interior and Insular
Affairs

MARCH 3, 1955

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

A BILL

To provide for the establishment of a
 Bureau of the Interior, and for other
 purposes.

Enacted at Washington, D. C., on

the _____ day of _____, 19__.

Approved by the Senate and House of Representatives of the United States of America in conference on _____, 19__.

WITNESSED my hand and the Seal of the Senate at Washington, D. C., on _____, 19__.

 Vice President of the United States

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued
For actions of

March 16, 1955
March 15, 1955
84th-1st, No. 46

CONTENTS

Acreage allotments.....2,17,26	Forestry.....6	Poultry.....24
Appropriations.....1,36,37	Information.....28	Property.....34
C.C.C.....3	Irrigation.....20	Purchasing.....27
Claims.....3	Labor, farm.....24,33	Research.....32
Commodity exchange.....2	Lands, reclamation..7,8,15	Rice.....2
Cotton.....17	transfer.....5	Rubber.....12,19
Dairy products.....11,24,29	Loans, farm.....23,30	Small business.....21
Drought relief.....17	housing.....16	Statehood.....11
Education.....28	Marketing.....11	Surplus commodities.....4
Electrification.....15	Minerals.....7	Taxation.....13,34
Extension work.....18	Monopolies.....8,35	Tobacco.....2,17,26
Flammable fabrics.....25	Natural resources.....32	Trade agreements.....22
Flood control.....10,15	Personnel.....14,31	Travel.....31
Foreign aid.....9	Postal rates.....14	Water resources.....20

HIGHLIGHTS: House passed Treasury-Post Office appropriation bill. House committee reported 2nd supplemental appropriation bill. House discussed CCC fungible goods claims bill. House passed bill to repeal revolving fund for surplus commodities in occupied areas. House committee ordered reported bills to include onions in CEA, reapportion rice acreage allotments, and increase tobacco allotments. Senate passed tax bill after eliminating \$20 tax credit. Rep. Dawson (Ill.) introduced bill to increase per diem allowance.

HOUSE

1. APPROPRIATIONS. Passed without amendment H. R. 4876, the Treasury-Post Office appropriation bill, 1956. The amendment would correct an error in the printing of the bill. (pp. 2491-2505.)

The Appropriations Committee reported without amendment H. R. 4903, the second supplemental appropriation bill, 1955 (H. Rept. 207) (pp. 2470, 2516). See end of Digest for provisions of this bill.

2. COMMODITY EXCHANGE; RICE; TOBACCO. The Agriculture Committee ordered reported H. R. 122, to include onions within the provisions of the Commodity Exchange Act; H. R. 2839, to provide for reapportionment of rice acreage allotments voluntarily surrendered to the county committee; H. R. 4356, to amend the Agricultural Adjustment Act with respect to rice allotment history; H. R. 4756, to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act regarding establishment of State and farm acreage allotments; and H. R. 4757, to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act regarding proof of tobacco disposition reports (p. D202).

3. CCC CLAIMS. Discussed and passed over, at the request of Majority Leader McCormack, H. R. 1831, to amend the CCC Charter Act in order to protect innocent purchasers of fungible goods converted by warehousemen from CCC claims (pp. 2473-5).
4. SURPLUS COMMODITIES. Passed without amendment S. 942, to repeal Public Law 820, 80th Congress, which provides a revolving fund for the purchase of agricultural commodities and raw materials to be processed in occupied areas and sold (p. 2471). This bill will now be sent to the President.
5. LAND TRANSFER. Passed without amendment H. J. Res. 107, to permit this Department to release reversionary rights in certain property (formerly FHA) for school purposes in Kern County, Calif. (pp. 2470-1).
6. FORESTRY. Passed without amendment H. R. 4046, to abolish the Old Kasaan National Monument, Alaska, and make the lands thereof a part of the Tongass National Forest (p. 2475).
7. MINERALS; RECLAMATION. Passed as reported H. R. 100, to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development; and H. R. 103, to provide for the construction of distribution systems on authorized Federal reclamation projects by irrigation districts and other public agencies (pp. 2471-3).
(p. 2472-3)
8. MONOPOLIES. Discussed and passed over, at the request of Rep. Patman, H.R. 3659, to increase criminal penalties under the Sherman Antitrust Act (p. 2472).
The "Daily Digest" states that the Judiciary Committee adopted amendments to H. R. 3658, to amend the Clayton Act by granting a right of action to the U. S. to recover damages under the antitrust laws; and ordered a clean bill to be introduced and reported to the House (P. D203).
9. FOREIGN AID. Rep. Williams, N. J., and others discussed basic principles and objectives of the technical assistance program, and urged provisions be made for this program on the "basis of a longer term than just year to year" (pp. 2510-5).
10. FLOOD CONTROL. Received from the Army Department a proposed bill to provide for the operation and maintenance of certain flood-control projects by local interests; to Public Works Committee.
11. DAIRY PRODUCTS; MARKETING; STATEHOOD; RECLAMATION. Received various State resolutions, etc., urging Congress "to further develop requirements for interstate transportation of dairy products and to eliminate artificial trade barriers" and favoring Alaska-Hawaii statehood and the Colo. reclamation project (p. 2517).
12. RUBBER. Rep. Patman inserted his testimony before the House Armed Services Committee opposing proposed sale of Government-owned rubber-producing facilities (pp. 2505-9).

84TH CONGRESS
1ST SESSION

H. R. 100

IN THE SENATE OF THE UNITED STATES

MARCH 16 (legislative day, MARCH 10), 1955

Read twice and referred to the Committee on Interior and Insular Affairs

AN ACT

To permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Mining Claims Rights
4 Restoration Act of 1955".

5 SEC. 2. All public lands belonging to the United States
6 now or hereafter withdrawn or reserved for power develop-
7 ment or power sites by statutory rights shall be open to entry
8 for location and patent of mining claims and for mining,
9 development, beneficiation, removal, and utilization of the
10 mineral resources of such lands under applicable Federal

1 of the common or public schools shall create any rights as
2 against the State, and the existence of the claim shall not
3 prevent the vesting of the title in the State.

Passed the House of Representatives March 15, 1955.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To permit the mining development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes.

MARCH 16 (legislative day, MARCH 10), 1955
Referred to the Committee on Interior and Insular
Affairs

the objectors in the past, and I am sure they will in the future—I think I am speaking for all of them—have felt that perhaps time should be given for all of the Members to become acquainted with the particular bill so that if they had any objection to its being passed without full debate they could voice their objections. Therefore, we have at times asked unanimous consent to pass over bills without prejudice when we were not opposed to the bill at all and would personally vote for it if it came up under a rule. However, the members of the objectors committee feel that time should be given so that all of the Members of the House can be fully apprised of what is happening or what may happen.

In short, Mr. Speaker, we are here to expedite legislation and for the protection of the Members, and not for the purpose of objecting or retarding or obstructing their legislation, which might be otherwise meritorious and does not violate any of the rules which would make it objectionable to the members of the Consent Calendar Committee.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. DEANE. I yield.

Mr. MILLER of Nebraska. Is it the official policy of the objectors to require a report from the Bureau of the Budget or the department concerned? In our own instance, in the case of the Committee on Interior and Insular Affairs, we will frequently report bills which will be placed on the Consent Calendar. Will you require a favorable report from the Department of the Interior as well as the Bureau of the Budget before you consider the bill on the Consent Calendar?

Mr. DEANE. In the past, may I say in answer to the gentleman, the committee has asked for reports from the departments concerned where it is considered essential. It is my understanding that a number of bills may be reported from the distinguished member's committee, which you mentioned, which perhaps do not carry reports since they were previously submitted. I think the individual objectors would use their own discretion as to whether or not a report is necessary.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. DEANE. I yield.

Mr. CUNNINGHAM. In answer to the gentleman from Nebraska, I might state in addition to what the gentleman from North Carolina [Mr. DEANE] has said, if the clerks of the committees, particularly the clerk of the gentleman's own committee, when they are in doubt will consult with you or with any Member on this side on the Consent Calendar Committee, we can advise them and in that way we will not have bills on the Consent Calendar which should not be there. Does the gentleman from North Carolina not agree with that?

Mr. DEANE. I feel that this would be a good time to express the feeling that while members of the Committee of Objectors are pleased to advise with Members on the day that the Consent Calendar is called, it would certainly expedite matters if the Members could speak to us in advance of the day when the bills are to be considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That, upon the written consent of the director of the California State department of agriculture, the Secretary of Agriculture of the United States is authorized and directed to convey, for a consideration of \$1, by quitclaim deed to the Vineland School District, Bakersfield, county of Kern, State of California, and its successors and assigns, all of the right, title, and interest reserved or retained by the quitclaim deed from the United States of America to the aforesaid Vineland School District dated November 28, 1947, covering 36.759 acres, more or less, and recorded on December 10, 1947, in book 1341 of official records, page 424, in the office of the county recorder, Kern County, Calif.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BATTLE OF BROOKLYN

The Clerk called the bill (H. R. 473) to authorize an investigation and report on the advisability of a national monument in Brooklyn, N. Y.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to make an investigation and report thereon to the Congress at not later than March 1, 1955, with respect to the advisability of establishing a national monument in Brooklyn, N. Y., in honor of 256 Maryland heroes who fell in combat during the Battle of Brooklyn on the 27th day of August 1776. The report to the Congress shall include information regarding the following:

- (1) National historical importance of such a memorial;
- (2) Nature of burial site, identity of exact site of burial, size and present-day conditions of site, including improvements thereon;
- (3) Complete cost for the establishment of such memorial;
- (4) Cost of maintenance of such a memorial and amount thereof that will be paid for by the city of New York and/or the State of New York; and
- (5) Recommendations.

With the following committee amendment:

Page 1, line 5, strike the words "at not later than March 1, 1955," and insert in lieu thereof the following language: "within 1 year following the appropriation of funds to the Department of the Interior for the purposes of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAND FOR EDUCATIONAL USE IN TERRITORY OF ALASKA

The Clerk called the bill (H. R. 607) to provide that lands reserved to the Territory of Alaska for educational purposes may be leased for periods not in excess of 55 years.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the second proviso in the first section of the act entitled "An act to reserve lands to the Territory of Alaska for educational uses, and for other purposes," approved March 4, 1915, as amended (48 U. S. C., sec. 353), is amended to read as follows: "Provided further, That the Territory may, by general law, provide for leasing said land in areas not to exceed 1 section to any one person, association, or corporation for not longer than 55 years at any one time."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPEALING NATURAL FIBERS ACT

The Clerk called the bill (H. R. 2123) to repeal Public Law 820, 80th Congress (62 Stat. 1098), entitled "An act to provide a revolving fund for the purchase of agricultural commodities and raw materials to be processed in occupied areas and sold."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DEANE. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 942) to repeal Public Law 820, 80th Congress (62 Stat. 1098), entitled "An act to provide a revolving fund for the purchase of agricultural commodities and raw materials to be processed in occupied areas and sold," be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That Public Law 820, 80th Congress (62 Stat. 1098), entitled "An act to provide a revolving fund for the purchase of agricultural commodities and raw materials to be processed in occupied areas and sold," is hereby repealed.

SEC. 2. This act shall take effect on June 30, 1955.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H. R. 2123, was laid on the table.

FEDERAL RECLAMATION PROJECTS

The Clerk called the bill (H. R. 103) to provide for the construction of distributions systems on authorized Federal reclamation projects by irrigation districts and other public agencies.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That irrigation distribution systems authorized to be constructed under the general provisions of the Federal reclamation laws may, in lieu of construction by the Secretary, be constructed by irrigation districts and other public agencies according to plans and specifications approved by the Secretary of the Interior.

SEC. 2. To assist financially in the construction of the aforesaid local irrigation distribution systems by irrigation districts and other public agencies the Secretary of the Interior is authorized to make funds available on a loan basis from moneys appropriated for the construction of such distribution systems to any irrigation district

or similar public agency in an amount equal to the estimated construction cost of such systems, contingent upon a finding by the Secretary that the loan can be returned to the United States in accordance with the general repayment provisions of sections 2 (d) and 9 (d) of the Reclamation Project Act of August 4, 1939 (ch. 418, 54 Stat. 1187, 43 U. S. C. 485).

SEC. 3. Except as herein otherwise provided, the provisions of the Federal reclamation laws, and acts amendatory thereto, are continued in full force and effect.

With the following committee amendment:

Page 1, line 4, strike the words "the general provisions of."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE YAKIMA INDIAN RESERVATION

The Clerk called the bill (H. R. 1801) to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Indian Reservation, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) for the purpose of effecting consolidations of land, situated within the Yakima Indian Reservation in the State of Washington, between the Yakima Tribes of Indians and individual members of the tribes and other Indians, for the mutual benefit of the tribes and the individual members thereof, the Secretary of the Interior is authorized in his discretion to—

(1) purchase for the Yakima Tribes, with tribal funds of such tribes on deposit in the United States Treasury, or otherwise, any lands held by individual members of the Yakima Tribes and other Indians under trust patent or other restrictions against alienation including lands in heirship status, within the Yakima Indian Reservation, including interests therein or improvements thereon, water rights, and surface rights;

(2) sell to individual members of the Yakima Tribes any tribal trust lands within such reservation, including lands, interests, improvements, and rights acquired for the tribes under this act; and

(3) exchange any tribal trust lands within such reservation, including lands, interests, improvements, and rights acquired for the tribes under this act, for lands situated within such reservation which are held by individual members of the tribes and other Indians under trust patent or other restrictions against alienation including lands in heirship status.

(b) The Secretary shall obtain the advice and consent of the Yakima Tribal Council before entering into any such transaction. The terms and conditions of any such transaction, including the price at which any land is so purchased or sold and the valuation of any lands so exchanged, shall be mutually agreed upon by the Secretary, the Yakima Tribal Council, and the individual Indian or Indians concerned. Any such exchange of tribal lands for lands held by individual members of the Yakima Tribes or other Indians, and for lands in heirship status, shall be effected on the basis of approximately equal consideration with due allowance for the value of improvements in determining the value of such lands.

SEC. 2. (a) Title to lands, interests, improvements, or rights so acquired by the Secretary for the Yakima Tribes through purchase or exchange shall be held by the

United States in trust for the Yakima Tribes. Title to tribal trust lands, interests, improvements, or rights sold by the Secretary to individual members of the Yakima Tribes or exchanged by the Secretary for lands held under trust patent or other restrictions against alienation by individual members of the tribes and other Indians or for lands in heirship status shall be held by the United States in trust for the individual Indian or Indians concerned.

(b) Sums derived from the sale of tribal trust lands, interests, improvements, and rights shall be credited to the tribal funds of the Yakima Tribes.

SEC. 3. (a) No transaction entered into under this act shall affect, without the consent of the lessee, any lease of lands, interests, improvements, or rights involved in such transaction, or any right of the lessee with respect to extension or renewal of such lease, which is in existence at the time such transaction is entered into.

(b) Nothing in this act shall affect the existing status of any lands, interests, improvements, or rights with respect to taxation.

SEC. 4. The Secretary is authorized to prescribe such regulations as may be necessary to carry out the purposes of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO INCREASE CRIMINAL PENALTIES UNDER SHERMAN ANTITRUST ACT

The Clerk called the bill (H. R. 3659) to increase criminal penalties under the Sherman Antitrust Act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PATMAN. Mr. Speaker, reserving the right to object, may I ask someone about this bill? Is this the bill that raises the penalty from \$5,000 to \$50,000 a year?

Mr. ROGERS of Colorado. That is right.

Mr. PATMAN. It does not go any further than that?

Mr. ROGERS of Colorado. That is right.

Mr. PATMAN. I hope the gentleman will not insist on consideration of this bill now and will get a rule, because I think the bill should have amendments.

Mr. ROGERS of Colorado. What does the gentleman mean?

Mr. PATMAN. Get a rule for the consideration of the bill and bring it to the floor of the House in the regular way so that Members may be able to offer amendments if they desire to do so.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. CELLER. This bill passed the House on two previous occasions. It has the unanimous report of the Committee on the Judiciary, and has had on all occasions.

Mr. PATMAN. But it means so little to think of fining a concern for committing one of the worst acts against the public interest, no more than half of what one concern pays a master of ceremonies for 1 hour's time on television. If that is not a slap on the wrist, I do not know what it is.

Mr. CELLER. True, the present penalty of \$5,000 is a slap on the wrist, but

you must remember that you may have ten or a dozen counts in one indictment, and the fine could be repeated for each count. I think we have to make progress slowly. A \$5,000 penalty has existed since 1892 when we passed the Sherman Act. I think it is incumbent upon us to consider that the value of the dollar has shrunk considerably, and \$50,000 in the estimation of the members of the Committee on the Judiciary would be deemed ample at this time. If at some other time you want to increase it, we might well do so.

Mr. PATMAN. While the dollar has shrunk, we have four times as many of them. I shall be compelled to object if you insist upon consideration at this time because I think an amendment should be offered to strengthen the penalty.

Mr. CELLER. Why do you not offer it now?

Mr. PATMAN. I do not want to offer it now. I want to offer it under the general rules of the House.

Mr. ROGERS of Colorado. Have you any suggestions to make to the Committee on the Judiciary as to what the amendment might be?

Mr. PATMAN. There should be jail penalties, or something like that, which is effective. Fines have proven to be ineffective in the past so we should consider making the penalties more severe than just fines.

Mr. CELLER. Will the gentleman yield further?

Mr. PATMAN. I yield.

Mr. CELLER. There is in the present statute a provision for a jail penalty up to 1 year.

Mr. PATMAN. But no one has ever been put in jail. That is something that should be looked into. Possibly we should consider making a jail penalty mandatory under certain conditions.

Mr. CELLER. Do you think if you increase the penalty beyond \$50,000 it would put anybody in jail?

Mr. PATMAN. No, but we should make it compulsory in certain instances where there is no question about guilt and when the offense is sufficiently serious to justify a real effective penalty.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PATMAN. Mr. Speaker, I hope the gentleman will withdraw this and bring it up under a rule.

The SPEAKER. Is there objection?

Mr. PATMAN. I object, Mr. Speaker.

TO PERMIT MINING, DEVELOPMENT, AND UTILIZATION OF MINERAL RESOURCES IN PUBLIC LANDS WITHDRAWN OR RESERVED FOR POWER DEVELOPMENT

The Clerk called the bill (H. R. 100) to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the "Mining Claims Rights Restoration Act of 1955."

SEC. 2. All public lands belonging to the United States now or hereafter withdrawn or reserved for power development or power sites by statutory rights shall be open to entry for location and patent of mining claims and for mining, development, beneficiation, removal, and utilization of the mineral resources of such lands under applicable Federal statutes: *Provided*, That all power rights to such lands shall be retained by the United States: *Provided further*, That locations made under this act within the re-vested Oregon & California Railroad and re-conveyed Coos Wagon grant lands shall also be subject to the provisions of the act of April 8, 1958, Public Law 477 (80th Cong., 2d sess.).

SEC. 3. Prospecting and exploration for and the development and utilization of mineral resources authorized in this act shall be entered into or continued at the financial risk of the individual party or parties undertaking such work: *Provided*, That the United States, its permittees and licensees shall not be responsible or held liable or incur any liability for the damage, destruction, or loss of any mining claim, mill site, facility installed or erected, income, or other property or investments resulting from the actual use of such lands or portions thereof for power development at any time where such power development is made by or under the authority of the United States, except where such damage, destruction, or loss results from the negligence of the United States, its permittees and licensees.

SEC. 4. The owner of any unpatented mining claim located on land described in section 2 of this act shall file for record in the United States district land office of the land district in which the claim is situated (1) within 1 year after the effective date of this act, as to any or all locations heretofore made, or within 60 days of location as to locations hereafter made, a copy of the notice of location of the claim; (2) within 60 days after the expiration of any annual assessment year, a statement as to the assessment work done or improvements made during the previous assessment year.

SEC. 5. Nothing in this act contained shall be construed to limit or restrict the rights of the owner or owners of any valid mining claim located prior to the date of withdrawal or reservation.

SEC. 6. Notwithstanding any other provisions of this act, all mining claims and mill sites or mineral rights located under the terms of this act or otherwise contained on the public lands as described in section 2 shall be used only for the purposes specified in section 2 and no facility or activity shall be erected or conducted thereon for other purposes.

With the following committee amendment:

Page 3, line 18, insert:

"SEC. 7. No mining claim located pursuant to this act upon surveyed or unsurveyed lands, title to which, except for such location, would following the termination of the withdrawal or reservation, vest in a State for the support of the common or public schools shall create any rights as against the State, and the existence of the claim shall not prevent the vesting of the title in the State."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INVOKING THE AID OF COURTS IN COMPELLING TESTIMONY OF CONGRESSIONAL WITNESSES

The Clerk called the bill (H. R. 780) to prescribe a method by which the Houses of Congress and their committees may invoke the aid of the courts in compelling the testimony of witnesses.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That (a) either House, any committee or subcommittee of either House, and any joint committee of the two Houses of Congress may, by an affirmative vote of a majority of its actual membership, invoke the aid of the United States district courts in requiring the attendance and testimony of witnesses and the production of evidence, in furtherance of any inquiry such House, committee, subcommittee, or joint committee is authorized to undertake.

(b) The United States district court for the district within which the inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person by either House, any committee or subcommittee of either House, or any joint committee of the two Houses of Congress, issue an order requiring such person to appear (and to produce evidence if so ordered) and give evidence relating to the matter in question before such House, committee, subcommittee, or joint committee, as the case may be; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(c) Attorneys of the Department of Justice shall furnish legal assistance in invoking the aid of the United States district courts under subsection (a) to either House, or any committee, subcommittee, or joint committee which requests it.

Mr. KEATING. Mr. Speaker, this is one of the most constructive steps we could possibly take in improving the conduct of congressional investigations. It ties in closely with efforts to develop a code of fair play. It has had little fanfare, because nobody opposes it. The same bill, as H. R. 4975, 83d Congress, introduced by me on May 4, 1953, was favorably reported by the House Committee on the Judiciary and passed the House on August 4, 1954. It is also an essential complement to the administration's immunity bill which became law last year—Public Law 600, H. R. 6899, 83d Congress.

Neither good rules of procedure aimed at making the congressional investigation process work better, nor a good immunity law to strip undeserving witnesses of their shelter behind the fifth amendment, are really going to amount to very much unless the underlying power of Congress to enforce its powers is improved.

The present contempt statute upon which congressional committees are forced to rely is altogether too cumbersome. It makes contempt of Congress, or of any congressional committee, a misdemeanor, providing the recalcitrant witness is cited to the Congress, voted in contempt, indicted by a grand jury and convicted in the ordinary course of the criminal case in some district court. This takes months and years and more often than not, the witness goes free. In any case, even if he receives a fine or

a jail sentence, he has escaped giving the testimony or producing the evidence which the committee wanted, and there is no way in the world to accomplish that result.

The solution is so obvious that I am astonished we have not hit upon it before. Nearly a score of Federal agencies, like the Securities and Exchange Commission and the Federal Communications Commission and the Interstate Commerce Commission, have substantially the same problem, in that they can subpoena witnesses but would be remediless, so far as their own resources are concerned, if the witness should choose to maintain a defiant attitude. What Congress did for all these agencies was to enact a simple provision allowing them to apply to an appropriate Federal district court for an order from the court, compelling the witness to testify, and so forth. When such an order issues, the witness becomes instantly amenable to the court's own contempt powers, which are quite adequate to compel instant and complete obedience. No one can quarrel with the proposition that Congress itself should have the same power that is conferred on these agencies.

There is something else about this proposal which should also be kept in mind: It will have a very healthy effect on the whole conduct of hearings and investigations. It will not limit the rights of the investigators in any way, but at the same time, if a committee applies to a court for this summary remedy, the court would have an opportunity to review the action and give or withhold relief.

The committee could always resort to the old statute. If it relies on this new one, then in that case the witness would also be entitled to go into court and explain to the judge why he was resisting the particular order sought to be enforced against him. I feel that that would naturally tend to cause the committees to be doubly careful, when they are dealing with hostile witnesses, to be sure that their position on each issue is sound and that their procedure leaves no room for well-founded attacks or criticism.

This bill is the most important procedural suggestion I have encountered in nearly a decade of studying congressional investigating committees and their problems. It cures the greatest weakness our committees have had to face, and in the same stroke it actually tends to improve the status and position of any witness who really feels that he is being treated unfairly. It gives him a prompt day in court.

The bill was ordered to be engrossed and read a third time, was read the first time, and passed, and a motion to reconsider was laid on the table.

INNOCENT PURCHASERS OF FUNGIBLE GOODS

The Clerk called the bill (H. R. 1881) to amend the Commodity Credit Corpo-

ration Charter Act in order to protect innocent purchasers of fungible goods converted by warehousemen from claims of the Commodity Credit Corporation.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McCORMACK. Mr. Speaker, reserving the right to object, this bill was reported out of the Committee on Agriculture. Having in mind the title, it was properly referred to the Committee on Agriculture, but the substance of the bill is clearly something that concerns the Committee on the Judiciary, because if this bill becomes law, it will change the law in relation to certain civil and possibly criminal proceedings not only with reference to the burden of proof in certain cases, but also in relation to the burden of evidence.

Lawyers know that the burden of proof in a criminal case always rests upon the Government, but during the course of the trial of a criminal case the burden of evidence may shift from time to time. As I read this bill, it not only is far-reaching in excluding from criminal prosecution certain purchasers of Commodity Credit items from a warehouseman—and I see the purpose behind that—but also the language of the bill states “goods, provided the buyer purchased such goods for value in good faith and did not know or have reason to know of any defect in the warehouseman’s authority to sell such goods.”

In my opinion, this language means that the burden of evidence in addition to the burden of proof is shifted to the Government’s shoulders.

To me it is rather unusual to provide that by law. I realize that there are certain purchasers of Commodity Credit items stored in warehouses that are now subject to civil and criminal prosecution whom this bill means to exclude; and I think there is some merit to that view of it, especially where one buys in good faith or without knowledge of the criminal intent on the part of the warehouseman. I agree that the burden of proof in such case should be upon the Government, but in a criminal case the burden of proof always rests on the Government, whether it be State or Federal. However, the burden of evidence is an entirely different field, a related but different subject.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. CUNNINGHAM. I seem to have a different view of the merits of this bill than does the gentleman from Massachusetts. As I understand, what the bill does is to permit a defendant to plead the fact that he is an innocent purchaser for value without notice. He does not have that right under a peculiar statute at the present time; it does not give him any more right than the gentleman from Massachusetts would have. I do not read into it all the gentleman from Massachusetts seems to.

Mr. McCORMACK. I do not think it is quite as simple as that. It does permit them to plead that they bought in good faith but it throws the burden of proof upon the Government to show that they did not buy in good faith.

Mr. CUNNINGHAM. I think the gentleman is laboring under a misconception of the bill. Right now the defendant does not have the right to plead that he is an innocent purchaser. This simply gives him the right that he has got to prove, I think, that he is an innocent purchaser.

Mr. McCORMACK. The gentleman from Massachusetts is not in disagreement with the gentleman from Iowa on that portion of the gentleman’s statement, that under the present law the Government would have to prove that a person who might have purchased in good faith did not purchase in good faith; I will agree to that. But it is a different principle for the defendant to have the privilege of pleading this defense that is never necessary in a criminal case, because if we pass this bill the burden would rest upon the Government to prove beyond a reasonable doubt that this man did not buy in good faith. To that point I could go, and I might be willing to go further if it were explained to my satisfaction. The first part of the bill changes the burden of proof, or it makes it incumbent upon the Government to prove in certain purchases that he is guilty. Now the bill, even as I read it, also makes it incumbent upon the Government to sustain the burden of evidence. While related in a trial burden of proof is an entirely different proposition from burden of evidence. This matter should be carefully looked into from a legal standpoint to be sure that the position of the Government is protected by not putting an unnecessary burden on the Government that does not exist with reference to other criminal or civil prosecutions.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from New York.

Mr. REED of New York. I rather interested myself in this because of claims that were being settled by the Government against the farmers and other absolutely innocent people. I notice under findings it says:

Under the existing rule of court decisions in this country, an owner of fungible goods, such as grain, wrongfully sold by a warehouseman, can recover from a wholly innocent purchaser of such goods. This rule has been criticized for many years by lawyers and judges who have recognized the harshness and inequity in forcing an innocent purchaser who buys fungible goods in good faith in the normal course of business from a dealer in such goods, to pay for them twice—first to the wrongdoing seller and again to the true owner. The critics of the rule have pointed out, also, that it disrupts normal trading in grain and other fungible goods because a prospective purchaser never knows whether a warehouse-receipt holder might later assert a claim to the goods he bought. This point has become a major problem for grain dealers and the Government alike in recent years because of the large-scale storage operations of Commodity Credit Corporation since World War II.

I should like to advise the gentleman why I am interested in this matter. There are some men at home whose families have been in business, and the farmers have been buying from them for a hundred years. They are fine people,

the finest who ever lived. They would not violate the law. But they can follow this thing through to the innocent farmer and collect from him. That is why I have interested myself in this thing. It looks to me quite un-American as a purpose.

Mr. McCORMACK. I may say to the gentleman that I have no objection to the broad purposes of the bill, but I think the wording of it is such that it has to be viewed with great caution. I am in no way either expressly or by implication criticizing the committee. But this involves a civil and possibly criminal law and, with all due respect to our Committee on Agriculture, I think the House would feel more confident that the bill is drafted properly if we had the opinion of the competent legal authorities in this House, particularly members of the Committee on the Judiciary. That is the particular committee that should be interested. I hope that the Committee on the Judiciary will on the next call of the Consent Calendar look this bill over and informally report if it is drafted right. It states “provided the buyer purchased such goods for value in good faith and did not know or have reason to know of any defect in the warehouseman’s authority to sell such goods.”

We could start out with that left out, leaving in the first part.

I can see where there may be quite a different situation in regard to burden of evidence. I think the committee has a justifiable case for legislating and I want it understood I am not opposed to that. On the other hand, I would want to be careful that we do not go too far and put an unnecessary burden in relation to the burden of evidence on the Government. Lawyers know that the burden of evidence constantly shifts from one side to the other during the trial of a lawsuit and according to the technical nature of the evidence submitted by either side.

Mr. REED of New York. In the State of New York we have something like a million milk cattle. They supply the milkshed. There is your big milkshed in Massachusetts. They have it in Maine, they have it in New Jersey, they have it in Pennsylvania. Every one of these farmers has to buy practically all of his feed from the West. This grain is stored by the millions of bushels in these warehouses. The farmers go to their reputable dealers. I am speaking now because of this great interest here, and it is working a tremendous hardship; it is placing a tremendous burden on the Government itself. This law is too drastic a law for the purpose here intended, and I want to have this say because I may not be here on the next occasion when this bill comes up. But, this works such a tremendous hardship on the farmers and the dairymen in our part of the country, even as far away as Wisconsin and all over. They have no possible way of knowing whether they are violating the law or not. And, they cannot starve their cattle; they have to have the grain. I hope the gentlemen will not be too particular about this.

Mr. McCORMACK. Might I say to the gentleman from New York that there is

7/26/55

The Education and Labor Committee ordered reported H. R. 2840, to provide Federal aid to the States for the demonstration of public library service in rural areas without such service or with inadequate library facilities (p. D784).

16. RECLAMATION; WATER COMPACTS. The Interior and Insular Affairs Committee ordered the following bills reported: H. R. 1603, to terminate the prohibition against employment of Mongolian labor in the construction of reclamation projects; H.R. 5169, to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley Conservancy District, N. Mex.; and S. 2260, amended, granting consent to Arkansas, Louisiana, Oklahoma, and Texas to a compact on the Red River (p. D785).

SENATE

17. APPROPRIATIONS. Passed with amendments H. R. 7278, the supplemental appropriation bill for 1956 (pp. 9888, 9906-27). Senate conferees were appointed (p. 9927). Agreed to the committee amendments (see Digest 124) (p. 9906). Agreed to a Thye amendment providing an additional loan authorization of \$15 million for loans to low-income farmers, as amended by a Sparkman amendment providing \$25 million for farm housing loans, contingent upon the enactment during this session of Congress of S. 2126, the housing bill, and providing \$1.3 million for salaries and expenses, Farmers' Home Administration (the Thye amendment if unamended would have provided \$350,000 for Farmers' Home Administration) (pp. 9913-5). Sen. Thye also submitted an amendment to restore the estimate of \$380,000 for ARS research but withdrew it after debate (pp. 9913-14).
18. RESERVE FORCES. Agreed to the conference report on H. R. 7000, to provide for strengthening of the Reserve Forces (pp. 9885-8). This bill will now be sent to the President.
19. CLAIMS. Received a proposed supplemental appropriation estimate to pay claims for damages, audited claims, and judgments rendered against the U. S.; to Appropriations Committee (S. Doc. 75) (pp. 9868-9).
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20. PUBLIC LANDS; MINERALS. The Interior and Insular Affairs Committee reported with amendments H. R. 100, to permit the mining development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development (S. Rept. 1150) (p. 9871).
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21. BONDING EMPLOYEES. Conferees were appointed on H. R. 4778, to provide for the purchase of bonds to cover officers and employees of the Government (p. 9873). House conferees have not been appointed. The bill authorizes the heads of departments and agencies of the Government to purchase bonds for officers and employees out of appropriated funds.
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22. RECLAMATION. The Interior and Insular Affairs Committee ordered reported without amendment H. R. 4663, authorizing the Trinity River division, Central Valley project, Calif.; and H. R. 3587, to authorize a water compact between Oreg. and Calif. for the waters of the Klamath River (p. D781).

23. IRRIGATION; MINERALS. The Interior and Insular Affairs Committee ordered reported with amendment S. 1818, to limit the amount of land on Federal irrigation projects which may be exchanged by veteran settlers on other irrigation projects, and H. R. 6373, to encourage the discovery, development, and production of certain domestic minerals (p. D781).
24. LOW-INCOME FARMERS. Sens. Goldwater, Sparkman, and Aiken discussed problems of the low-income farmers (pp. 9892-9902). Sens. Aiken and Sparkman expressed concern over the elimination of funds by the Senate Appropriations Committee which would have helped improve the lot of the $1\frac{1}{2}$ million low-income farmers (pp. 9893-4).
25. ELECTRIFICATION. Sen. Morse inserted various resolutions favoring the proposed Hells Canyon and John Day Dams (pp. 9869-71).
Sen. Neuberger stated that "my constituents in the State of Oregon are the victims of a political run-around from Secretary McKay and the Interior Department" regarding the proposed development of the Beaver Marsh project, and inserted correspondence on this subject (pp. 9874-6).
26. CONGRESSIONAL AUTHORITY. Sen. Knowland inserted an analysis of the power of Congress to require testimony, papers, and documents from the President and the executive branch of the Government (pp. 9876-80).

BILLS INTRODUCED

27. POSTAL SERVICE. S. 2634, by Sen. Carlson, relating to the transportation of mail by highway post-office service; to Post Office and Civil Service Committee (p. 9872).
S. 2636, by Sen. Carlson, to restore the authority of the Postmaster General to adjust postage rates for air parcel-post service; to Post Office and Civil Service Committee (p. 9872).
28. PERSONNEL. H. R. 7597, by Rep. Byrne, Pa., to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon certain claims of employees of the United States Government for gratuity, holiday, or overtime compensation during the period covered by World War II; to Judiciary Committee (p. 10017).
H. R. 7603, by Rep. O'Hara, Ill., H. R. 7610, by Rep. Tumulty, and H. R. 7618, by Rep. Murray, Tenn., "to amend section 8 of the Civil Service Retirement Act of May 29, 1930, as amended;" to Post Office and Civil Service Committee (p. 10017).
H. R. 7619, by Rep. Murray, Tenn., and H. R. 7620, by Rep. Rees, Kans., to adjust the rates of compensation of the heads of the executive departments and of certain other officials of the Federal Government; to Post Office and Civil Service Committee (p. 10017).
29. RESEARCH; FOOD. H. R. 7605, by Rep. Priest, and H. R. 7606, by Rep. O'Hara, Minn., to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of new food additives which have not been adequately tested to establish their safety; to Interstate and Foreign Commerce Committee (p. 10017).
H. R. 7607, by Rep. Priest, to amend the Federal Food, Drug, and Cosmetic Act for the protection of the public health, by prohibiting new food additives which have not been adequately pretested to establish their safe use under the conditions of their intended use; to Interstate and Foreign Commerce Committee (p. 10017).

PERMITTING THE MINING, DEVELOPMENT, AND UTILIZATION
OF THE MINERAL RESOURCES OF THE PUBLIC LANDS WITH-
DRAWN OR RESERVED FOR POWER DEVELOPMENT

JULY 26, 1955.—Ordered to be printed

Mr. O'MAHONEY (for Mr. MURRAY), from the Committee on Interior
and Insular Affairs, submitted the following

R E P O R T

[To accompany H. R. 100]

The Senate Committee on Interior and Insular Affairs, to whom was referred the bill, H. R. 100, to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes, having considered the same, report favorably thereon with the following amendments, and with the recommendation that the bill, as amended, do pass.

The amendments, which are numbered 1 to 6 consecutively for easy reference are as follows:

1. Lines 5 and 6, page 1, insert the word "heretofore" between "States" and "Now".
2. Line 5, page 1, insert the letter "(a)" after "SEC. 2.".
3. Line 7, page 1, strike out "by statutory rights".
4. Line 7, page 2 after "second session)" strike out the period and insert a colon and the following:

And provided further, That nothing contained herein shall be construed to open for the purposes described in this section any lands (1) which are included in any project operating or being constructed under a license or permit issued under the Federal Power Act or other Act of Congress, or (2) which are under examination and survey by a prospective licensee of the Federal Power Commission, if such prospective licensee holds an uncanceled preliminary permit issued under the Federal Power Act authorizing him to conduct such examination and survey with respect to such lands and such permit has not been renewed in the case of such prospective licensee more than once.

(b) The locator of a placer claim under this Act, however, shall conduct no mining operations for a period of 60 days after the filing of a notice of location pursuant to section 4 of this Act. If the Secretary of the Interior, within 60 days from the filing of the notice of location, notifies the locator by registered mail of the Secretary's intention to hold a public hearing to determine whether placer mining operations would substantially interfere with other uses of the land

2 LANDS WITHDRAWN OR RESERVED FOR POWER DEVELOPMENT

included within the placer claim, mining operations on that claim shall be further suspended until the Secretary has held the hearing and has issued an appropriate order. The order issued by the Secretary of the Interior shall provide for one of the following: (1) a complete prohibition of placer mining; (2) a permission to engage in placer mining upon the condition that the locator shall, following placer operations, restore the surface of the claim to the condition in which it was immediately prior to those operations; or (3) a general permission to engage in placer mining. No order by the Secretary with respect to such operations shall be valid unless a certified copy is filed in the same State or county office in which the locator's notice of location has been filed in compliance with the United States mining laws.

The Secretary shall establish such rules and regulations as he deems desirable concerning bonds and deposits with respect to the restoration of lands to their condition prior to placer mining operations. Moneys received from any bond or deposit shall be used for the restoration of the surface of the claim involved and any money received in excess of the amount needed for the restoration of the surface of that claim shall be refunded.

(c) Nothing in this Act shall affect the validity of withdrawals or reservations for purposes other than power development.

5. Line 13, page 3, after word "reservation" strike out the period and insert a colon and the following:

Provided, That nothing in this Act shall be construed to limit or restrict the rights of the owner or owners of any mining claim who are diligently working to make a discovery of valuable minerals at the time any future withdrawal or reservation for power development is made.

6. Starting with line 20, page 3, strike out all of section 7.

EXPLANATION OF THE BILL

H. R. 100, as amended, would open an estimated 7 million acres of public lands in the West for mineral development under the general mining laws, subject to conditions and procedures set out in the bill.

Citation of act

Section 1 declares that this act may be cited as the "Mining Claims Rights Restoration Act of 1955."

Entry permitted and conditions thereof

Section 2 operates to open to entry under Federal mining laws public lands presently withdrawn or reserved for power development or power sites; public lands so withdrawn and reserved in the future would be subject also to entry under the conditions provided for in the act.

Purposes for which entry could be made include location and patent of mining claims, and for mining, development, beneficiation, removal, and utilization of the mineral resources of such lands—all to be carried out under existing laws regulating such activities.

This section limits the effect of entry in four respects:

First, by declaring that notwithstanding entry, all power rights to such lands shall be retained by the United States; and

Second, by making locations made under this act within the revested Oregon & California Railroad and reconveyed Coos Bay Wagon grant lands subject to the provisions of the act of April 8, 1940 (62 Stat. 162). The 1948 act reserves timber on mining claims located on lands within such areas, except for such timber as may be necessary in the development or operation of his mine, until such timber is disposed of by the United States; and

Third, by not opening for entry lands which are included in any project being operated or being constructed under a license or permit

granted under authority of any act of Congress, or under an uncanneled preliminary permit for examination and survey; and

Fourth, gives to the Secretary of the Interior authority to hold public hearings to determine whether placer mining operations would be detrimental to other uses of the lands involved, and to require at his option, locators and operators of placer-mine operations to restore such lands to their former condition when the mining operation has been completed.

Subsection (e) of section 3 provides that the act shall not affect the validity of withdrawals or reservations for purposes other than power development so as to protect the integrity of other withdrawals where there has been a duality of withdrawals on certain particular lands.

Protection of Federal interest

Section 3 would operate to protect the interest of the United States on two counts.

This section declares that prospecting and exploration for and development and utilization of mineral resources as authorized in this act shall be at the financial risk of the party or parties undertaking such work.

The proviso in this section is in the nature of a "hold harmless" clause providing that the United States shall not be responsible or held liable or incur any liability for the damage, destruction, or loss of any mining claim, facility, and so forth, resulting from the actual use of such lands for power development by or under the authority of the United States, except where such damage, destruction, or loss results from the negligence of the United States, its permittees, and licensees.

Recording, reporting provisions

Section 4 establishes recording and assessment reporting requirements for unpatented mining claim locations made prior to the effective date of this act and recording and assessment reporting requirements for locations which might be made after the date of the act.

In adopting the following language—

The owner of any unpatented mining claim located on land described in section 2 * * * as to any or all locations heretofore made—

it should be understood that this language refers to claims based on valid entry; for example, where a locator has made entry prior to the withdrawal or reservation for power-site purposes of the lands entered.

In short, the language of H. R. 100 as reported by the committee does not validate locations or claims based on entry after public lands have been withdrawn or reserved for power development and prior to restoration.

Section 4 would require owners of any unpatented mining claim to file for record in the United States district land office of the land district in which the claim is situated a copy of a notice of location of the claim within 1 year after the effective date of this act as to any or all locations made prior to the effective date; for locations made after the effective date of this act such filing for record must be made within 60 days of location. All claimants would be required to file for record within 60 days after the expiration of any annual assessment year a statement

4 LANDS WITHDRAWN OR RESERVED FOR POWER DEVELOPMENT

as to the assessment work done or improvements made during the previous assessment year.

Protection of existing valid claims

Section 5 makes clear the intent that rights arising from any valid claim located prior to the date of withdrawal or reservation are not limited or restricted in any way by this act, and further protects the rights of locators of mining claims on public lands which may in the future be withdrawn or reserved for power-development purposes.

Requirement of conforming use

Section 6 constitutes a prohibition against use of any facility or conduct of any activity for any purpose other than location or patent of mining claims for mining, development, beneficiation, removal, and utilization of the mineral resources of such lands.

Committee amendments

Amendments 1, 2, and 3 are perfecting in their nature.

Amendment 4, adding the first proviso, was motivated by a desire to throw every possible safeguard around the rights and interests of those holding valid operational, construction, and preliminary licenses or permits authorized by law on lands previously withdrawn for power purposes or power sites. This amendment was drawn in painstaking cooperation with the Federal Power Commission.

Subsection (b) of section 2, which follows the above-mentioned proviso, was suggested by the Department of the Interior and the Committee concurs in the opinion that this language should be included in H. R. 100 so as to avoid any possible conflict with H. R. 5891 (S. 1713), the so-called multiple-use land bill enacted by this Congress.

Amendment 4 is perfecting in its nature and in addition protects the rights of mining claim owners who might be threatened by future withdrawals or reservations for power-development purposes.

Striking all of section 7 was adopted only after long and serious consideration. It would seem inevitable that its inclusion would result in little or no development of mineral resources on unsurveyed lands, which would be against the public interest, particularly in view of reference hereafter made to the fact that many of the lands herein under consideration contain deposits of badly needed fissionable materials.

In striking out section 7 the committee firmly urges that as soon as practical proposed legislation should be introduced which provides that where a State loses a section of land in place because of mineral locations that its in lieu selection rights shall extend to mineral lands rather than to lands which insofar as anybody knows have no mineral value.

The committee further calls attention to the fact that one of the pressing needs in relation to development of the mineral resources of this Nation, and to avoid confusion in the administration of the public domain, is a complete survey of all public lands remaining unsurveyed.

Further committee comment

It is to be expressly understood that adoption of the language in section 4 is not to be construed as setting a precedent for the piecemeal amendment or change of the general mining laws as they relate to the overall public domain, with particular reference to the requirement for filing a copy of location notices with the United States district

land office, or any other Federal agency, which is a departure from settled policy that is to be frowned upon and avoided except in the case of the specific lands such as are covered by this bill. The lands herein involved, having at some time or another been withdrawn for a specific purpose, must of necessity be restored or opened to entry in a manner best calculated to insure wise and orderly development of national security and the economic health of all the people of the United States.

Further, the committee reports this legislation with the understanding that development of resources of leasable minerals, including oil and gas, on the lands affected by this act, would continue under present laws and regulations and that the procedure provided under present laws and regulations is not modified by the terms of H. R. 100.

The committee also gave careful consideration to Senate bills, S. 1149 and S. 1502, which dealt with the same general subject and had the benefit of oral testimony and written reports from the interested governmental agencies, and the bill, as amended, for their approval.

Attention is called to the fact that large deposits of uranium are believed to exist in several areas set aside for power sites, and that this legislation, having as its purpose opening areas now withdrawn for power and power-site purposes, would permit location and patenting of claims for uranium deposits.

In a report dated May 11, 1954, addressed to this committee by the Atomic Energy Commission, on predecessor power-site-withdrawal legislation in the 83d Congress, the Atomic Energy Commission declared in part:

* * * The domestic uranium procurement program of the Atomic Energy Commission depends to a great extent on the discovery and development work of private individuals operating under the mining laws. As the proposed act would open up new areas for private development of uranium deposits, we believe it would be in aid of our program of acquiring available uranium * * *.

Reports of Federal Power Commission and Department of the Interior follow:

FEDERAL POWER COMMISSION,
Washington, April 22, 1955.

HON. JAMES E. MURRAY,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your letter of April 6, 1955, requesting the views of the Federal Power Commission with respect to a possible amendment of H. R. 100, the Commission would favor the insertion of the following on page 2, line 7 of the bill:

And provided further, That nothing contained herein shall be construed to open for the purposes described in this section any lands (1) which are included in any project operating or being constructed under a license or permit issued under the Federal Power Act or other act of Congress, or (2) which are under examination and survey by a prospective licensee of the Federal Power Commission, if such prospective licensee holds an uncancelled preliminary permit issued under the Federal Power Act authorizing him to conduct such examination and survey with respect to such lands and such permit has not been renewed in the case of such prospective licensee more than once.

The Commission would favor this amendment as it appears to offer complete protection to those lands of the United States within power projects operated under license or included within an outstanding license or permit. Passage of the bill with this amendment is recommended.

Sincerely yours,

JEROME K. KUYKENDALL, *Chairman.*

6 LANDS WITHDRAWN OR RESERVED FOR POWER DEVELOPMENT

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., July 18, 1955.

HON. JAMES E. MURRAY,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.*

MY DEAR SENATOR MURRAY: There is now pending before your committee H. R. 100, to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes. All references in our report are to the committee print (dated April 22, 1955) of the bill, which includes an amendment recommended by the subcommittee staff.

We recommend that H. R. 100 be enacted, if it is amended as suggested below.

This bill would open lands withdrawn or reserved for power development or power sites to entry for location and patent of mining claims. Use of the land for power development and other purposes would be protected by various specific provisions which reserve power rights to the United States, relieve the United States of liability for damage to mining property because of the later use of the lands for power development, limit the use of the surface of an unpatented mining claim to mining purposes only, and require the filing for recordation in the United States district land office of mining claims located under the bill and of annual assessment work statements.

The purpose of the bill is, apparently, to remove the prohibition, which at present exists, against mining locations under the general mining laws (30 U. S. C., sec. 21, et seq.) where the lands involved are affected by a power site withdrawal or reservation. Where lands subject to such a withdrawal or reservation are also affected by other kinds of withdrawals or reservations, the applicability of the general mining laws to such lands would, if H. R. 100 were enacted, depend, we assume, upon the effect of these other types of withdrawals. Perhaps, it would be desirable to state clearly in H. R. 100 that the opening to mining location of lands within power-site withdrawals would not open to such locations lands subject to power-site withdrawals within areas like national parks or monuments, which would not otherwise be subject to the mining laws.

Under existing law, lands withdrawn or reserved for power development or power sites may be restored to entry and location under the mining laws whenever their value for power purposes would not be injured or destroyed as a result of such restoration (sec. 24 of the act of June 10, 1920, as amended, 16 U. S. C., sec. 818), and, under existing procedure, the Federal Power Commission, as well as this Department, considers each proposed restoration individually on its own merits. The bill would eliminate the necessity for individual consideration of the facts warranting restoration in each particular case.

Generally, we fully agree with the need for encouraging mineral development in public-land areas not now subject to mining location, since the discovery of new sources of mineral wealth on the public domain is urgent to the national economy.

The various provisions in the bill which are designed to protect these lands for other uses appear well justified. Power-site lands are often quite valuable for other surface uses. For example, many of the lands withdrawn for power-site purposes are timbered lands situated in national forests. The timber on these lands usually constitutes an integral part of large timber tracts which should be managed on a sustained-yield basis. The bill would reserve the timber within the revested Oregon & California Railroad and reconveyed Coos Bay Wagon Road grant lands by making mineral locations under this act in that area also subject to the act of April 8, 1948 (62 Stat. 162).

Normally, the filing of unpatented mining claims in the United States district land office of the land district in which the claim is situated would seem unnecessary, if S. 1713, a bill "to amend the act of July 31, 1947 (61 Stat. 681) and the mining laws to provide for the multiple use of the surface of the same tracts of the public lands and for other purposes," now under consideration by the Congress, should be enacted. However, it is particularly important that the Secretary of the Interior be advised immediately when placer claims are initiated since the most serious conflict between mining activities and other land uses occurs when placer mining and dredging operations are involved. The mining of monazite sands by dredging in flat meadow areas has recently caused serious problems in the West because such operations interfere with recreational, grazing, and scenic values of these lands. The Secretary should have the authority in the case of placer-mining claims to hold public hearings to determine whether placer-mining operations in the areas would be detrimental to other uses of the land. When

necessary, he should be able to require the locators of placer-mining claims to execute bonds or undertakings to the United States or to make deposits of money to assure restoration of the lands in their former condition. If the locators or their sureties fail to restore the lands, the deposits or bonds should be forfeited and the receipts obtained made immediately available for restoration of the lands by the Secretary. Any excess funds, of course should be returned. If these provisions along these lines were added to H. R. 100, we believe that most of the alleged abuses of the existing mining laws, as they may affect lands withdrawn for power-site purposes, would be met.

We assume that, under section 4 of the bill, failure to record location would render the claim invalid. We also, assume, that, in accordance with ordinary practice, failure to record assessment work would not render a claim invalid, but would merely open it to relocation.

Section 7 of the bill provides that no mining claim located pursuant to the bill's provisions upon surveyed or unsurveyed lands would create any rights in the locator as against the State after the termination of the withdrawal or reservation, if title to the lands on which the location is made would otherwise vest in a State for the support of its schools, and that the existence of such a mining claim would not prevent the vesting of the title in the State. We believe that this section should be deleted from H. R. 100. Otherwise, there will be a cloud on every mining claim which is located on unsurveyed land within a power-site withdrawal. At present, the holder of a mining claim located on unsurveyed land which, upon survey, proves to be within a school section reserved to a State possesses rights superior to those of the State. Section 7 of this bill would, consequently, put the State in a better position with respect to unsurveyed lands which are withdrawn or reserved for power-site purposes than with respect to other unsurveyed lands. If the provisions of this section should become law, no one could make a mining location on unsurveyed land withdrawn for power-site purposes with any assurance that the land on which he had made that location would not be included within a reserved school section; if it were so included, he would, upon revocation of the power-site withdrawal, lose his claim. We believe that any benefits to be derived by the States from the provisions of this section would be overbalanced by the resulting disadvantages.

For the reasons given above, we suggest, therefore, that H. R. 100 be amended as follows:

(1) At page 1, line 7, strike out the words "by statutory rights."

(2) On page 1, line 5, insert the letter "(a)" after "Sec. 2.", and on page 2, after line 19, add the following language:

"(b) The locator of a placer claim under this Act, however, shall conduct no mining operations for a period of 60 days after the filing of a notice of location pursuant to section 4 of this Act. If the Secretary of the Interior, within 60 days from the filing of the notice of location, notifies the locator by registered mail of the Secretary's intention to hold a public hearing to determine whether placer mining operations would substantially interfere with other uses of the land included within the placer claim, mining operations on that claim shall be further suspended until the Secretary has held the hearing and has issued an appropriate order. The order issued by the Secretary of the Interior shall provide for one of the following: (1) a complete prohibition of placer mining; (2) a permission to engage in placer mining upon the condition that the locator shall, following placer operations, restore the surface of the claim to the condition in which it was immediately prior to those operations; or (3) a general permission to engage in placer mining. No order by the Secretary with respect to such operations shall be valid unless a certified copy is filed in the same State or county office in which the locator's notice of location has been filed in compliance with the United States mining laws.

"The Secretary shall establish such rules and regulations as he deems desirable concerning bonds and deposits with respect to the restoration of lands to their condition prior to placer mining operations. Moneys received from any bond or deposit shall be used for the restoration of the surface of the claim involved, and any money received in excess of the amount needed for the restoration of the surface of that claim shall be refunded.

"(c) Nothing in this Act shall affect the validity of withdrawals or reservations for purposes other than power development."

(3) At page 2, immediately after line 22, insert the following:

"Any mining claim which was located prior to the date of enactment of this Act shall not be deemed to be invalid by reason of its location on such land prior

8 LANDS WITHDRAWN OR RESERVED FOR POWER DEVELOPMENT

to the date of enactment of this Act, and, if otherwise valid, shall be so, subject to the provisions of this Act and to any intervening rights."

(4) Delete all of section 7, at page 4, lines 5-11, inclusive.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your Committee.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

○

Calendar No. 1162

84TH CONGRESS
1ST SESSION

H. R. 100

[Report No. 1150]

IN THE SENATE OF THE UNITED STATES

MARCH 16 (legislative day, MARCH 10), 1955

Read twice and referred to the Committee on Interior and Insular Affairs

JULY 26, 1955

Reported by Mr. O'MAHONEY (for Mr. MURRAY), with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Mining Claims Rights
4 Restoration Act of 1955".

5 SEC. 2. (a) All public lands belonging to the United States
6 *heretofore*, now or hereafter withdrawn or reserved for power
7 development or power sites ~~by statutory rights~~ shall be open to
8 entry for location and patent of mining claims and for mining,
9 development, beneficiation, removal, and utilization of the
10 mineral resources of such lands under applicable Federal

1 statutes: *Provided*, That all power rights to such lands shall
2 be retained by the United States: *Provided further*, That
3 locations made under this Act within the revested Oregon
4 and California Railroad and reconveyed Coos Bay Wagon
5 grant lands shall also be subject to the provisions of the Act
6 of April 8, 1948, Public Law 477 (Eightieth Congress,
7 second session): *And provided further*, That nothing con-
8 tained herein shall be construed to open for the purposes
9 described in this section any lands (1) which are included
10 in any project operating or being constructed under a license
11 or permit issued under the Federal Power Act or other Act
12 of Congress, or (2) which are under examination and sur-
13 vey by a prospective licensee of the Federal Power Com-
14 mission, if such prospective licensee holds an uncanceled pre-
15 liminary permit issued under the Federal Power Act au-
16 thorizing him to conduct such examination and survey with
17 respect to such lands and such permit has not been renewed
18 in the case of such prospective licensee more than once.

19 (b) The locator of a placer claim under this Act, how-
20 ever, shall conduct no mining operations for a period of sixty
21 days after the filing of a notice of location pursuant to section
22 4 of this Act. If the Secretary of the Interior, within sixty
23 days from the filing of the notice of location, notifies the locator
24 by registered mail of the Secretary's intention to hold a public

1 *hearing to determine whether placer mining operations would*
2 *substantially interfere with other uses of the land included*
3 *within the placer claim, mining operations on that claim shall*
4 *be further suspended until the Secretary has held the hearing*
5 *and has issued an appropriate order. The order issued by*
6 *the Secretary of the Interior shall provide for one of the fol-*
7 *lowing: (1) a complete prohibition of placer mining; (2) a*
8 *permission to engage in placer mining upon the condition that*
9 *the locator shall, following placer operations, restore the*
10 *surface of the claim to the condition in which it was imme-*
11 *diately prior to those operations; or (3) a general permission*
12 *to engage in placer mining. No order by the Secretary with*
13 *respect to such operations shall be valid unless a certified copy*
14 *is filed in the same State or county office in which the locator's*
15 *notice of location has been filed in compliance with the United*
16 *States mining laws.*

17 *The Secretary shall establish such rules and regulations*
18 *as he deems desirable concerning bonds and deposits with*
19 *respect to the restoration of lands to their condition prior to*
20 *placer mining operations. Moneys received from any bond*
21 *or deposit shall be used for the restoration of the surface of*
22 *the claim involved, and any money received in excess of the*
23 *amount needed for the restoration of the surface of that claim*
24 *shall be refunded.*

1 *(c) Nothing in this Act shall affect the validity of with-*
2 *drawals or reservations for purposes other than power*
3 *development.*

4 SEC. 3. Prospecting and exploration for and the devel-
5 opment and utilization of mineral resources authorized in this
6 Act shall be entered into or continued at the financial risk
7 of the individual party or parties undertaking such work:
8 *Provided*, That the United States, its permittees and licensees
9 shall not be responsible or held liable or incur any liability
10 for the damage, destruction, or loss of any mining claim, mill
11 site, facility installed or erected, income, or other property
12 or investments resulting from the actual use of such lands or
13 portions thereof for power development at any time where
14 such power development is made by or under the authority
15 of the United States, except where such damage, destruction,
16 or loss results from the negligence of the United States, its
17 permittees and licensees.

18 SEC. 4. The owner of any unpatented mining claim
19 located on land described in section 2 of this Act shall
20 file for record in the United States district land office of the
21 land district in which the claim is situated (1) within
22 one year after the effective date of this Act, as to any or all
23 locations heretofore made, or within sixty days of location
24 as to locations hereafter made, a copy of the notice of loca-

tion of the claim; (2) within sixty days after the expiration of any annual assessment year, a statement as to the assessment work done or improvements made during the previous assessment year.

SEC. 5. Nothing in this Act contained shall be construed to limit or restrict the rights of the owner or owners of any valid mining claim located prior to the date of withdrawal or reservation: *Provided, That nothing in this Act shall be construed to limit or restrict the rights of the owner or owners of any mining claim who are diligently working to make a discovery of valuable minerals at the time any future withdrawal or reservation for power development is made.*

SEC. 6. Notwithstanding any other provisions of this Act, all mining claims and mill sites or mineral rights located under the terms of this Act or otherwise contained on the public lands as described in section 2 shall be used only for the purposes specified in section 2 and no facility or activity shall be erected or conducted thereon for other purposes.

SEC. 7. ~~No mining claim located pursuant to this Act upon surveyed or unsurveyed lands, title to which, except for such location, would following the termination of the withdrawal or reservation, vest in a State for the support of the common or public schools shall create any rights as~~

- 1 against the State, and the existence of the claim shall not
2 prevent the vesting of the title in the State.

Passed the House of Representatives March 15, 1955.

Attest:

RALPH R. ROBERTS,

Clerk.

84TH CONGRESS
1ST SESSION

H. R. 100

[Report No. 1150]

AN ACT

To permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes.

MARCH 16 (legislative day, MARCH 10), 1955

Read twice and referred to the Committee on Interior
and Insular Affairs

JULY 26, 1955

Reported with amendments

7/28/55

14. MINERALS. Passed as reported H. R. 100, to permit the mining development and utilization of mineral resources of all public lands withdrawn or reserved for power development (pp. 10193, 10216-7).
15. RECLAMATION; IRRIGATION. Passed with amendments H. R. 5881, to supplement the Federal reclamation laws by providing for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects. The amendments consisted of inserting the language of S. 2142 for that of the House bill. Senate conferees were appointed. (pp. 10207-15.)
Passed over, at the request of Sen. Bible, H. R. 4663, to authorize the construction of the Trinity River division, Central Valley project (p. 10194).
Passed as reported S. 1818, to limit the amount of land on Federal irrigation projects which may be exchanged under the act of August 13, 1953 (pp. 10194-5).
Sens. Morse and Neuberger inserted various articles and letters supporting the high dam project for the Hells Canyon Dam project (pp. 10206-7, 10221-3).
16. WATER COMPACTS. Passed without amendment H. R. 3587, authorizing the negotiation of compact by Calif. and Ariz. relative to the waters of the Klamath River (p. 10196).
17. FAO. Passed over, at the request of Sen. Ellender, S. J. Res. 97, to increase the limitation on the U. S. contribution to the Food and Agriculture Organization (p. 10196).
18. ROADS. Sen. Kuchel expressed his regret that Congress did not enact a Federal-aid highway construction bill this session.
19. WHEAT. Sen. Flanders suggested dropping bags of wheat on the Chinese mainland to alleviate the famine and influence the approaching diplomatic negotiations (pp. 10152-3).
20. EXPENDITURES. Sen. Payne commended the recent report on Government expenditures prepared by Sen. Byrd (pp. 10145-6).
21. HEALTH. Sen. Wiley inserted reports of the Public Health Service and private groups on the problem of health in the rural areas and efforts made to provide better health services (pp. 10153-6).
22. STRATEGIC MATERIALS. Sen. Malone submitted a report on the accessibility of strategic and critical materials to the United States in time of war and for our expanding economy. The report describes the economic structure of the 24 nations of the Western Hemisphere and the investment climate within those countries (S. Doc. 83) (p. 10183).
23. NOMINATIONS. Confirmed the nomination of Francis Wilcox as Assistant Secretary of State (pp. 10180-2).
24. LEGISLATIVE PROGRAM. The Majority Leader scheduled for consideration Fri., July 29, the following measures: H. R. 6373, to amend the Domestic Minerals Program Extension Act of 1953 (which was made the unfinished business); H. R. 4663, to authorize the construction of the Trinity River division, Central Valley Reclamation project; S. J. Res. 97, to increase U. S. contribution to the FAO; and S. 2402, to amend sec. 8 of the Civil Service Retirement Act of May 29, 1930 (pp. 10221, 10195, 10219).

HOUSE

25. FARM-CITY WEEK. The Judiciary Committee reported with amendment H. J. Res. 317, designating the last week in October of each year as National Farm-City Week (H. Rept. 1551) (p. 10334).
26. CCC. The Banking and Currency Committee reported without amendment H. R. 7541, to increase the borrowing power of the CCC from \$10 billion to \$12 billion (H. Rept. 1559) (p. 10334).
27. SUGAR. The Rules Committee reported a resolution providing for consideration of H. R. 7030, to amend and extend the Sugar Act of 1948 (p. 10325).
28. HOUSING. The Rules Committee reported a resolution providing for consideration of S. 2126, the housing bill (p. 10322).
29. FOREIGN AID. Both Houses agreed to the conference report on H. R. 7224, the mutual security appropriation bill for 1956, and acted on amendments in disagreement (pp. 10167-73, 10241-2). This bill will now be sent to the President.
30. TRADE AGREEMENTS. Both Houses received a Tariff Commission report on the operation of the trade agreements program, July 1953 to June 1954; to S. Finance and H. Ways and Means Committees (pp. 10137, 10334).
31. MINIMUM WAGE. Received the conference report on S. 2168, to amend the Fair Labor Standards Act of 1938 so as to provide for an increase to \$1 in the minimum wage provisions (H. Rept. 1561) (pp. 10320-1).
32. PERSONNEL. The Post Office and Civil Service Committee reported without amendment H. R. 3255, to amend the Classification Act of 1949 so as to provide protection for Government officers and employees from loss of basic compensation resulting from reclassification of their positions (H. Rept. 1557) (p. 10334).
33. FARM INCOME. Rep. Deane discussed possibilities for increasing per capita farm income in N. C. and offered suggestions for agricultural development in that State (pp. 10328-32).
34. EMPLOYEE BONDING. Received the conference report on H. R. 4778, to provide for the purchase of bonds to cover officers and employees of the Government (pp. 10322-5). The House conferees included the following in their statement:
"The conference substitute provides, in general, (1) for the mandatory purchase of surety bonds to cover civilian officers and employees and military personnel of each department and independent establishment in the executive branch ... who are required to be bonded by law or by administrative decision, and (2) for the discretionary purchase of surety bonds to cover those officers and employees in the legislative and judicial branches of the Federal Government with respect to whom the appropriate officials of the legislative and judicial branches deem it advisable to require the purchase of surety bonds.
"With respect to the executive branch, the conference substitute provides that the head of each department and independent establishment shall obtain and procure blanket, position schedule, or other types of surety bonds to cover those civilian officers and employees and military personnel of such department or establishment who are required, by law or administrative ruling to be bonded. It is required that such bonds shall be obtained and procured

PERSONAL EXEMPTION TO CERTAIN DEPENDENTS IN THE REPUBLIC OF THE PHILIPPINES

The bill (H. R. 7148) to amend the Internal Revenue Code so as to provide a personal exemption with respect to certain dependents in the Republic of the Philippines was considered, ordered to a third reading, read the third time, and passed.

INCOME OF A RAILROAD CORPORATION FROM DISCHARGE OF INDEBTEDNESS

The Senate proceeded to consider the bill (H. R. 6887) to extend for 1 year the application of section 108 (b) of the Internal Revenue Code of 1954 (relating to income of a railroad corporation from discharge of indebtedness, which had been reported from the Committee on Finance with an amendment, on page 1, after line 7, to insert:

SEC. 2. Section 2053 of the Internal Revenue Code of 1954 (relating to deductions from the gross estate for expenses, indebtedness, and taxes) is hereby amended by redesignating subsection (d) to be subsection (e) and by adding after subsection (c) a new subsection as follows:

"(d) Certain State death taxes: Notwithstanding any other provision of this chapter, for purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate the amount of any estate, succession, legacy, or inheritance tax imposed by a State upon a transfer by the decedent for public, charitable, or religious uses as described in section 2055. Any tax deducted under this subsection shall be disregarded in computing the credit for State death taxes under section 2011."

SEC. 3. The amendment to the Internal Revenue Code of 1954 made by section 2 of this act shall apply with respect to the estates of decedents in any case in which the last date prescribed by law for filing the Federal estate tax return is on or after April 1, 1955.

The amendment was agreed to.

Mr. BYRD. Mr. President, I offer a technical amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Virginia will be stated.

The LEGISLATIVE CLERK. On page 2, line 16, after the word "decedents", it is proposed to insert "dying after December 31, 1953 (whether on, before, or after the date of the enactment of the Internal Revenue Code of 1954)."

The PRESIDING OFFICER. Without objection, the vote by which the committee amendment was agreed to is reconsidered, for the purpose of considering the amendment offered by the Senator from Virginia.

Without objection, the amendment offered by the Senator from Virginia is agreed to.

If there be no further amendment to be proposed, the committee amendment, as amended, is agreed to.

The amendment, as amended, was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to extend for 1 year the application of section 108 (b) and to amend section 2053 of the Internal Revenue Code of 1954."

MINING DEVELOPMENT AND UTILIZATION OF MINERAL RESOURCES OF PUBLIC LANDS RESERVED FOR POWER DEVELOPMENT — BILL PASSED OVER

The bill (H. R. 100) to permit the mining development, and utilization of mineral resources of all public lands withdrawn or reserved for power development, and for other purposes, was announced as next in order.

Mr. HRUSKA. Over.

The PRESIDING OFFICER. The bill will be passed over.

CONVEYANCE OF CERTAIN LAND TO THE PECWAN UNION SCHOOL DISTRICT

The bill (H. R. 727) to authorize the conveyance of certain land to the Pecwan Union School District for use as the site of a school, was announced as next in order.

Mr. MORSE. Mr. President, reserving the right to object, though I shall not object, I wish to make a brief statement about the bill.

The bill would authorize the Secretary of the Interior to convey to the Pecwan Union School District of California, without consideration, the right title and interest of the United States and the Hoopa Indians in 15 acres of land in the extension of the Hoopa Valley Reservation in California.

The report indicates that the conveyance is urgently needed for the construction of a modern school building for which bonds have been voted in a school election.

The Morse formula is inapplicable, inasmuch as the interest of the United States is in effect that of trustee. The Indians are the cestuis que trust of the property in question. The Indian tribe has by resolution voted to authorize the conveyance.

The bill reserves mineral rights.

In my opinion, the bill is not objectionable.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

MERGER OF STREET-RAILWAY CORPORATIONS IN THE DISTRICT OF COLUMBIA

The bill (S. 2576) to amend the joint resolution entitled "Joint resolution to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes," approved January 14, 1933, and for other purposes, was announced as next in order.

Mr. PURTELL. Mr. President, this bill is not properly calendar-call business; for that reason, and that reason alone, I object.

Mr. MORSE. Mr. President, will the Senator from Connecticut withhold his objection for a moment?

Mr. PURTELL. I am very happy to withhold it.

Mr. MORSE. I agree with the Senator from Connecticut that this bill should be subjected to debate in the Senate and should be called up on motion. I sincerely hope that at an early hour the acting majority leader will make it possible to have the bill called up for formal action by the Senate.

At this time I wish to offer an amendment to the bill, so that when the bill is considered the amendment will be printed as a part of the bill.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. MORSE. Mr. President, I hope the bill may be taken up some time tomorrow because an emergency situation exists in the Nation's Capital by reason of the transit problem.

A proposal has been made today by the Capital Transit Co. which needs to be discussed publicly, because certainly it is a proposal which will not solve the problems of the transit strike.

Mr. President, I ask unanimous consent to have printed as a part of my remarks the text of a press release which the Commissioners of the District of Columbia issued this afternoon with regard to the proposal of the Capital Transit Co. The proposal is unacceptable to the District Commissioners and is, in my judgment, rightly unacceptable.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

The proposal of the Capital Transit Co. to enter into an agreement with the Commissioners under which it would relinquish its franchise 1 year from the date of agreement is not a practicable alternative to the direct action by Congress recommended by the Commissioners. The proposed agreement would have to be ratified by the stockholders of the Capital Transit Co. Before a stockholders' meeting can be held, proxy statements would have to be submitted to, and approved by, the Securities and Exchange Commission. After such approval there would have to be a period of 10 days' notice before the stockholders meeting could be held. It appears therefore that it would not be possible to obtain the stockholders' approval prior to the adjournment of Congress.

If the stockholders, after the adjournment of Congress, fail to approve the proposal, the Commissioners would be left with no effective alternative to reestablish transit services. In addition to the stockholder's approval, legislation would be required to permit the company voluntarily to abandon its franchise, and to authorize the Commissioners to enter into such a contract. S. 2576 which has been proposed by the Commissioners and is now pending before Congress would, in the opinion of the Commissioners, with a minor amendment, permit them to enter immediately into an operational agreement with the Capital Transit Co. which would be substantially similar to that proposed by the company. If this legislation is passed by Congress, the Commissioners believe it would be

possible to achieve much the same result as the company proposes.

Mr. PURTELL. Mr. President, I assure the Senator from Oregon that it is my hope also that the bill will be considered at an early time.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

Mr. MORSE subsequently said: Mr. President, I wish to call attention to Calendar No. 1164, Senate bill 2576, relating to the Capital Transit Co.

Consideration of the bill during the call of the Unanimous-Consent Calendar was objected to this afternoon—and quite correctly so—because the measure should be fully discussed.

I submitted to the bill an amendment, as recommended by the Commissioners of the District of Columbia. The committee had a meeting this afternoon with the Commissioners of the District of Columbia; the meeting was in regard to consideration of the bill by the Senate, because the Capital Transit Co. made an offer—as reported today in the press—regarding cancellation at the end of the year of the transit company's franchise.

The District of Columbia Commissioners have issued to the press a statement as to why that offer would be unsatisfactory to them. In turn, the Commissioners suggested an amendment to the bill which would make it possible for them to negotiate with the Capital Transit Co. regarding the problems involving the transit system.

In view of the fact that the Congress has the governmental role in the case of the District of Columbia, I think the Congress owes it to the Commissioners of the District of Columbia to give consideration to the bill they are recommending.

This afternoon they notified the McNamara subcommittee that, with the adoption of the amendment they have proposed to Senate bill 2576—and I refer to the amendment which I have already sent to the desk, and which will be on the desks of Senators tomorrow—they think it important that Senate bill 2576 be passed, because the great danger is that Congress will adjourn and that during the period of the adjournment the Commissioners of the District of Columbia will not have the legal power they will need if they are to handle the Capital Transit strike situation.

I think we can iron out our differences—I believe there will be some differences over this matter—during the debate on the floor of the Senate, by means of an amendment or two.

At this time I ask whether the distinguished acting majority leader can give me some assurance—and I speak on behalf of the distinguished chairman of the Committee on the District of Columbia, the Senator from West Virginia [Mr. NEELY]—that the Senate will take up the bill sometime tomorrow.

Mr. CLEMENTS. Mr. President, I may say to the distinguished Senator from Oregon that I cannot give him any assurance as to when this measure will be taken up; but I should like to assure the Senator that there is no disposition on the part of the acting majority leader not to bring the bill before the Senate.

Yesterday I stated to him that there is a normal procedure which we have endeavored to follow. The acting majority leader is very definitely in sympathy with disposing of the matter during this session of Congress.

Mr. MORSE. Mr. President, I appreciate that, and the Senator from Kentucky gave me that assurance. I think it only fair to the acting majority leader that this be a matter of record. That is why I have made this inquiry this afternoon.

I am satisfied that if the bill, together with whatever amendments the Senate may see fit to adopt, is considered by the Senate and is acted on by the Senate we shall stand some chance of having the bill acted on at this session by the House of Representatives.

I believe that the enactment of such a measure is of importance as regards protecting the legal rights of the transit company—which I wish to protect—and also as regards protecting the rights of the people of this area to some transportation service.

Mr. CLEMENTS. Mr. President, I wish to commend my friend, the Senator from Oregon, for the approach he is making to this matter, in endeavoring to find an area of agreement, so that we may dispose of this matter in the least possible time during this session.

CONTRACT WITH THE TOSTON IRRIGATION DISTRICT, MONTANA

The joint resolution (S. J. Res. 82) to authorize the Secretary of the Interior to execute a certain contract with the Toston Irrigation District, Montana, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the Secretary of the Interior is authorized to execute a contract with Toston Irrigation District which provides, among other things, that—

(a) the district will pay to the United States each year the full cost to the Government of operating and maintaining the works of the Crow Creek pumping unit during that year, exclusive of the cost of electrical pumping energy, said payment to be made, as far as the cost can be forecast by the Secretary or his duly authorized delegate, in advance and in not more than two installments;

(b) the United States will deliver to the district, as far as conditions permit, water in sufficient quantity to furnish 2 acre-feet per irrigated acre, measured at the farm turnouts, for use on the irrigable lands of the district;

(c) the district will, in addition to the amounts specified under (a) above, pay to the United States such sums as may be required to cover the cost, including the cost of electrical pumping energy, of furnishing more than 2 acre-feet per irrigated acre as hereinbefore provided;

(d) the district acknowledges and will cause each landowner to whom water is delivered to acknowledge that the contract confers upon it and them no right to the continued operation and maintenance of said works beyond the period during which it is in force unless, prior to the expiration thereof, the district shall have entered into a long-term contract conforming to the provisions of the Federal reclamation laws and that no permanent right to the use of water arises, attaches to their lands, or is claimed to arise or attach to their lands by virtue of

the delivery of water through said works on the application to their lands of such water;

(e) the district will comply fully with all provisions of the Federal reclamation laws which are not inconsistent with this act and the contract executed pursuant to the authority contained herein; and

(f) the contract shall, subject to the district's compliance with all of its terms and conditions, continue in force until December 31, 1955, and shall be renewed automatically for each of the 9 succeeding calendar years unless either of the parties shall, on or before November 1 of any year, serve written notice of its intention that the contract shall not be renewed.

CONSTRUCTION OF TRINITY RIVER DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA—BILL PASSED OVER

The bill (H. R. 4663) to authorize the Secretary of the Interior to construct, operate, and maintain the Trinity River division, Central Valley project, California, under Federal reclamation laws, was announced as next in order.

Mr. BIBLE. Mr. President, I ask that the bill be passed over simply on the ground that it is not properly calendar business. I am very familiar with the bill, and I know of the great interest in it on the part of the Senators from California. However, I ask that the bill go over because it is not properly calendar business.

The PRESIDING OFFICER. The bill will be passed over.

LIMITATION OF AMOUNT OF LAND EXCHANGED ON FEDERAL IRRIGATION PROJECTS

The Senate proceeded to consider the bill (S. 1818) to limit the amount of land on Federal irrigation projects which may be exchanged under the act of August 13, 1953, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 9, after the word "exceed", to strike out "25" and insert "35", and on page 2, line 8, after the word "this", to strike out "act" and insert "act: *Provided*, That there shall be excluded from the limitation in this section the acreage required for amending the size of existing farm units", so as to make the bill read:

Be it enacted, etc., That the Act entitled "An act to permit the exchange and amendment of farm units on Federal irrigation projects, and for other purposes," approved August 13, 1953 (67 Stat. 566), is amended by redesignating sections 11 and 12 as sections 12 and 13, respectively, and by inserting after section 10 thereof a new section as follows:

"SEC. 11. Not to exceed 35 percent of the total irrigable acreage of public land, or other irrigable land acquired by the United States, on any Federal irrigation project, or a division thereof, the opening of which to entry was heretofore or is hereafter announced in public notices issued by the Department of the Interior announcing availability of water for lands within the irrigation project, or division thereof, and opening of public lands therein to entry, shall be available for acquisition by exchange under this act: *Provided*, That there shall be excluded from the limitation in this section the acreage required for amending the size of existing farm units."

The second village was an American village. So long as we have villages like that in the United States, the agricultural base of our economy will be strong, to the degree that they exist. But if we ever get into the condition in which the first type of village which I mentioned predominates; namely, a few big proprietors and large numbers of hired workers who do not own the soil on which they work, whose jobs are insecure, whose alternative employments are few, and whose standard of living is low, then we get into a condition almost of peonage, similar to that which I have seen in southern Italy. Which type of America do we want?

It is for that very reason that the Senator from Illinois, in times past, as well as today, has opposed the removal of the 160-acre limitation. I am perfectly willing to debate this issue in the country as a whole, with the Senator from Nevada [Mr. MALONE] and the Senator from Utah [Mr. WATKINS] if they so desire. While I know that their motives are good and their hearts are pure, nevertheless, if we remove this limitation and furnish water at public expense to maintain and increase large holdings, we are striking a blow at the economic foundations of democracy in our farm centers of the West.

Mr. WATKINS. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. WATKINS. Would the Senator favor, for example, under a flood-control measure requiring private land owners to pay 50 percent, a provision that no one could receive any benefits under flood control except to the extent of 160 acres?

Mr. DOUGLAS. I should like to point out that, in the first place, in the Midwest we were never cursed with the Spanish land grants. We were able to start with virgin soil, and establish the basis of the 160-acre farm. The 160-acre farm is being increased by economic forces. We are developing, in part, a group of farm laborers and tenants, though the problem of tenantry is not as severe as it was some years ago. But fortunately we have been able to get a much wider distribution of the land than is true in the Southwest, and in the Central and Imperial Valleys of California.

Mr. WATKINS. Mexico once had control in the Southwest.

Mr. DOUGLAS. That is what I am saying.

Mr. WATKINS. In many other States that situation did not exist at all.

Mr. DOUGLAS. That was true in the North.

Mr. WATKINS. But there are many small farms in California, Arizona, and New Mexico.

Mr. DOUGLAS. I think the principle of the Newlands Act is absolutely sound, and we must bear it in mind. It is not something to be laughed off or sneered at. It is a principle to which we should hold. That is all the Senator from Illinois is trying to do. If Senators from the West were willing to make the 160-acre limitation more restrictive with respects to orchards and commercial vegetables, I would be will-

ing to make it less restrictive with respect to hay.

Mr. WATKINS. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield.

Mr. WATKINS. Does the Senator realize that in the growing of fruit it is very difficult for the small farmer to exist and maintain his family in competition with the larger orchards? The spraying equipment, tractors, harvesting crews, washing machines, and all those things which are required are very expensive for the small farmer. But if a farmer has four or five hundred acres—I understand the Senator from Virginia [Mr. BYRD] has some 4,600 acres—he can follow a good, workable program, with the finest of equipment. It is difficult for the small farmer to compete with the large orchards. I happen to be a fruit grower. I know whereof I speak. I have approximately 70 acres. Many small orchardists try to get by with 10 or 15 acres. They cannot do it.

I am having difficulty in making my orchards pay, fighting pests, drought, frost, and all that sort of thing, and keen competition with larger operators. I would recommend, from a business point of view, that the acreage of orchards be multiplied by 10, so as to result in orchards which can be economically operated.

Mr. DOUGLAS. There are two ways of looking at the farm. One way of looking at the farm is merely as a means of making money. The other way of looking at the farm is to regard it as a way of life. We have adopted the philosophy, particularly through the Homestead Act, that farming is a way of life, and that the small family farm has a place in America.

I think I am aware of some of the difficulties faced by small farmers. The Senator from Utah is also aware of some of the difficulties. I say that we should not increase those difficulties by governmental aid given primarily to the big farmers. We should not take governmental steps to make it still more difficult for the small farmer to get along.

In the second place, I suggest that a great many of the difficulties of the small farmer—at least with respect to orchards—could be met by cooperation, under a plan whereby the small farmers could pool their resources and buy some of the necessary equipment and use it cooperatively. I think the Senator from Utah is not unfriendly to cooperatives. He was a leader in the cooperative movement in his State. I congratulate him on that, and urge him on to greater efforts in that line, rather than merely trusting to the steam roller of the larger farmer to roll over the small farmer. Surely he does not believe that because the small farmers having difficulties, we should help to put them out of business.

Mr. WATKINS. Mr. President, will the Senator yield for one further observation?

Mr. DOUGLAS. Certainly.

Mr. WATKINS. I thank the Senator for what he said about my work with cooperatives. I have worked with them. Frankly, we have not yet succeeded, after some 50 years of trying, in persuading the farmers to join together in

cooperative use of machinery and equipment needed in orchards. They have different ways of doing things. They are highly individualistic, and the plan simply does not work. That is why they are having difficulty. I thank the Senator for yielding.

Mr. DOUGLAS. I am always glad to yield.

Unless the Senator from Nevada [Mr. MALONE] wishes to enter the fray, I am willing to yield the floor.

Mr. MALONE. I wish to be recognized in my own right.

Mr. DOUGLAS. Mr. President, I yield the floor.

PUBLIC LAND HELD IN TRUST FOR THE STATES

Mr. MALONE. Mr. President, let me say to the distinguished Senator from Illinois that the senior Senator from Nevada was consulting engineer on the Central Valley project, which the Senator from Illinois visited for 1 day.

As a result, the senior Senator from Nevada understands the objectives of the people living under it.

As a matter of fact, he had a hand in organizing most of the irrigation and power districts in his home State of Nevada, either as State engineer or as a private engineer, and many of the projects in the 11 Western States. He grew up with the problem during the past 40-year period about which we have been talking.

Let me say to the distinguished Senator from Illinois that the land in the Corn Belt area including Illinois, Iowa, and Indiana was obtained on a 160-acre homestead for a \$16 filing fee. The land was given to the farmers with the condition that they live on the land for a stated period and put a stated amount of such land under cultivation each year for 3 years. They would then receive a patent in fee without any further payment.

For 140 years, beginning with the 1840 Redemption Act, followed by the Homestead Act of 1863, the policy of the United States Congress was definitely established to hold all public lands in trust for the States until they could enact legislation under which such lands could be taken up in family-sized units.

When they reached western Kansas in the semiarid area 160 acres was not enough. So the Congress arranged for an individual to file an additional homestead of 160 acres.

Then when the mesa in eastern Colorado was reached 320 acres was just an aggravation. So they were allowed a stock raising homestead of 640 acres, making a total of 960 acres. When they reached the Great American Desert, including parts of Utah and Nevada, 960 acres were again just an aggravation where, according to surveys made by the United States Geological Survey, it required as much as 140 acres to support a cow unit, a cow and a calf.

Congress made no further effort to pass a land law under which land could be taken up to support 250 head of cattle or a band of sheep for a family unit.

We were then talking in terms of townships, not sections.

Then Senator Newlands, whose memory we respect in my State of Nevada, proposed an act, passed in 1902, to irrigate some of these lands carved out of the public land of the Western States.

We have never objected to the 160-acre unit where we could live with it. We have accepted it except where it was an impossible situation. However, I wish to say to the distinguished Senator from Illinois, if he will look at his own State—and he does not have to look very far—he will discover many landowners benefiting from public funds regardless of the size of the ranch or farms originally patented by the 160-acre unit through a payment of a \$16 filing fee—where millions of dollars have been appropriated for flood control with no repayment at all, either principal or interest. Of course where the land is no longer flooded its value is increased regardless of the size of the farm units. No one in Congress has seriously objected to it since it has long been an established policy of Congress.

Mr. DOUGLAS. The Senator from Illinois has objected to it. I was the first to propose that a large portion of the cost should be paid by special assessments on the land that has been benefited.

Mr. MALONE. I will join the Senator from Illinois in introducing a bill that will provide for the repayment of the principle without interest on all flood control projects, just as we do in the reclamation States. We can prepare the bill and introduce it tomorrow.

Mr. DOUGLAS. In the case of land adjoining rivers, there is another—

Mr. MALONE. Does the Senator wish me to yield?

Mr. DOUGLAS. Will the Senator yield?

Mr. MALONE. I am happy to yield.

Mr. DOUGLAS. In the case of land adjoining rivers, there is another ostensible purpose, although in many cases the real purpose is navigation, and the incidental byproduct is by narrowing the channel, by clearing out a large portion of swampland, more land is made arable.

Mr. KILGORE. Mr. President, I should like to ask for the regular order.

Mr. MALONE. This is the regular order. Do I have the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. MALONE. Then I shall proceed. I served 6 years on the Public Works Committee. I am familiar with the testimony on flood-control projects located in the Senator's State.

Then I have reviewed projects in Kansas and Missouri with my friend, Senator HENNINGS, of that State, and in Kansas with my friend, Senator SCHOEPPPEL, of Kansas, in connection with the great flood in the Kansas City area. I expected the cost to be covered by the Federal Government, not because Kansas City could not pay for it, but because it was a settled policy of the Congress.

Incidentally, when a dam was proposed in eastern Kansas for the purpose of controlling floods, the purpose is not

irrigation or navigation, but to prevent lands from being flooded.

Any time the distinguished Senator from Illinois wishes to introduce a bill which will require repayment of flood-control expenditures I will join him.

The congressional policy, which has been in existence for 75 years, that when the Army engineers report the benefits exceed the cost of any certain project, then Congress may consider through its regular committees the building of such a project at taxpayers' expense to control the floods, or for navigation or for improvement of harbors. However, when the distinguished Senator from Illinois tries to make it appear that the cost is all for navigation, he is mistaken.

Mr. DOUGLAS. Flood control and navigation are joint purposes, and one of the incidental byproducts is to make swampland adjoining the rivers arable.

Mr. MALONE. Flood control and navigation may be the joint purpose but often it is simply flood control, but the money is not repaid in any case. They have been benefiting for 75 years, when as a matter of fact, there is probably no valid reason why the beneficiaries should not pay for any improvement in navigation.

I say again to the distinguished Senator, any time he is ready to introduce a bill, under which those States would repay the money, exactly as we do in the reclamation States, I shall be happy to join him. The money expended for reclamation has been repaid with very few losses, over the past 53 years. Very little money has been lost to the taxpayers.

I have listened to the Senator from Illinois for the 7 years he has been in the Senate object to small appropriations on projects and then vote for the entire appropriation.

When I invited the Senator to come West with me, I did not mean to have him fly over the land or spend one day on a project. I intended him to come out and take a good look to see how the people farming the area live. They improve the land where they had no adequate water supply. Those are the kind of people we have been helping to improve the desert with interest-free money. Flood control reclaims flooded land just as irrigation reclaims desert land.

Under the bill we passed this afternoon all of the States, including Illinois, can drain the swampland which is now absolutely useless, by merely paying back the money without interest.

The Senator's State can take the water off the land and make it valuable, whereas we need to put it on the land to increase its productivity.

I shall be glad to answer any questions in regard to the procedure that the distinguished Senator from Illinois desires to ask.

E. J. ALBRECHT CO.

Mr. LONG. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1148, H. R. 1393.

The PRESIDING OFFICER. The bill will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 1393) for the relief of E. J. Albrecht Co.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from Committee on the Judiciary with an amendment on page 2, line 4, after the word "Act", to strike out "in excess of 10 per centum thereof."

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MINING DEVELOPMENT AND UTILIZATION OF MINERAL RESOURCES OF ALL PUBLIC LANDS RESERVED FOR POWER DEVELOPMENT

Mr. CLEMENTS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1162, H. R. 100.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 100) to permit the mining development and utilization of mineral resources of all public lands withdrawn or reserved for power development, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to; and the Senate proceeded to consider the bill which has been reported from the Committee on Interior and Insular Affairs with amendments on page 1, at the beginning of line 6, to insert "heretofore"; in line 7, after the word "sites", to strike out "by statutory rights"; on page 2, line 7, after the word "session", to insert a colon and "And provided further, That nothing contained herein shall be construed to open for the purposes described in this section any lands (1) which are included in any project operating or being constructed under a license or permit issued under the Federal Power Act or other Act of Congress, or (2) which are under examination and survey by a prospective licensee of the Federal Power Commission, if such prospective licensee holds an uncanceled preliminary permit issued under the Federal Power Act authorizing him to conduct such examination and survey with respect to such lands and such permit has not been renewed in the case of such prospective licensee more than once.

"(b) The locator of a placer claim under this act, however, shall conduct no mining operations for a period of 60 days after the filing of a notice of location pursuant to section 4 of this act. If the Secretary of the Interior, within 60 days from the filing of the

notice of location, notifies the locator by registered mail of the Secretary's intention to hold a public hearing to determine whether placer mining operations would substantially interfere with other uses of the land included within the placer claim, mining operations on that claim shall be further suspended until the Secretary has held the hearing and has issued an appropriate order. The order issued by the Secretary of the Interior shall provide for one of the following: (1) a complete prohibition of placer mining; (2) a permission to engage in placer mining upon the condition that the locator shall, following placer operations, restore the surface of the claim to the condition in which it was immediately prior to those operations; or (3) a general permission to engage in placer mining. No order by the Secretary with respect to such operations shall be valid unless a certified copy is filed in the same State or county office in which the locator's notice of location has been filed in compliance with the United States mining laws.

"The Secretary shall establish such rules and regulations as he deems desirable concerning bonds and deposits with respect to the restoration of lands to their condition prior to placer mining operations. Moneys received from any bond or deposit shall be used for the restoration of the surface of the claim involved, and any money received in excess of the amount needed for the restoration of the surface of that claim shall be refunded.

"(c) Nothing in this act shall affect the validity of withdrawals or reservations for purposes other than power development."

On page 5, line 8, after the word "reservation", to insert a colon and "Provided, That nothing in this act shall be construed to limit or restrict the rights of the owner or owners of any mining claim who are diligently working to make a discovery of valuable minerals at the time any future withdrawal or reservation for power development is made"; and after line 18, to strike out:

SEC. 7. No mining claim located pursuant to this act upon surveyed or unsurveyed lands, title to which, except for such location, would following the termination of the withdrawal or reservation, vest in a State for the support of the common or public schools shall create any rights as against the State, and the existence of the claim shall not prevent the vesting of the title in the State.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CLEMENTS. Mr. President, it is my understanding that the Senator from Illinois [Mr. DOUGLAS] desires an explanation of the bill.

Mr. DOUGLAS. For the purposes of the RECORD, Mr. President, I think we should have an explanation.

Mr. CLEMENTS. Mr. President, H. R. 100, as amended, would open an estimated 7 million acres of public lands in the West for mineral development under the general mining laws, subject to conditions and procedures set out in the bill.

Section 1 declares that this act may be cited as the "Mining Claims Rights Restoration Act of 1955."

Section 2 operates to open to entry under Federal mining laws public lands presently withdrawn or reserved for power development or power sites; public lands so withdrawn and reserved in the future would be subject also to entry under the conditions provided for in the act.

Purposes for which entry could be made include location and patent of mining claims, and for mining, development, beneficiation, removal, and utilization of the mineral resources of such lands—all to be carried out under existing laws regulating such activities.

This section limits the effect of entry in four respects:

First, by declaring that notwithstanding entry, all power rights to such lands shall be retained by the United States; and

Second, by making locations made under this act within the revested Oregon & California Railroad and reconveyed Coos Bay Wagon grant lands subject to the provisions of the act of April 8, 1940 (62 Stat. 162). The 1948 act reserves timber on mining claims located on lands within such areas, except for such timber as may be necessary in the development or operation of his mine, until such timber is disposed of by the United States; and

Third, by not opening for entry lands which are included in any project being operated or being constructed under a license or permit granted under authority of any act of Congress, or under an uncanceled preliminary permit for examination and survey; and

Fourth, gives to the Secretary of the Interior authority to hold public hearings to determine whether placer-mining operations would be detrimental to other uses of the lands involved, and to require at his option, locators and operators of placer-mine operations to restore such lands to their former condition when the mining operation has been completed.

Mr. DOUGLAS. Mr. President, will the Senator from Kentucky yield for a question?

Mr. CLEMENTS. I yield. I cannot agree to answer it, but it is within the province of the Senator to ask the question.

Mr. DOUGLAS. Under this bill, would the Government retain the power rights?

Mr. CLEMENTS. It is my understanding that the power rights will be paramount.

Mr. DOUGLAS. The power rights of the Government?

Mr. CLEMENTS. That is correct.

Mr. DOUGLAS. I thank the Senator. It is very important that that be made a part of the RECORD.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

IMPROVEMENTS IN PHYSICAL PRACTICES OF THE NATIONAL BUREAU OF STANDARDS

Mr. CLEMENTS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1183, Senate bill 2060.

The PRESIDING OFFICER. The bill will be read by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2060) to amend the act of March 3, 1901, as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to use the working capital fund, and to permit certain improvements in fiscal practices.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Interstate and Foreign Commerce with an amendment on page 2, line 3, after the word "appropriation", to strike out "of" and insert "or", so as to make the bill read:

Be it enacted, etc., That the act, entitled "An act to establish the National Bureau of Standards," approved March 3, 1901, as amended, is amended by striking out sections 7 and 8 and inserting in lieu thereof the following sections:

"SEC. 7. The Secretary shall charge for services performed under the authority of section 3 of this act, except in cases where he determines that the interest of the Government would be best served by waiving the charge. Such charges may be based upon fixed prices or cost. The appropriation or fund bearing the cost of the services may be reimbursed, or the Secretary may require advance payment subject to such adjustment on completion of the work as may be agreed upon.

"SEC. 8. In the absence of specific agreement to the contrary, additional facilities, including equipment, purchased pursuant to the performance of services authorized by section 3 of this act shall become the property of the Department of Commerce."

SEC. 2. Such act is further amended by striking out sections 11, 12, and 13 and inserting in lieu thereof the following sections:

"SEC. 11. (a) The Secretary of Commerce is authorized to accept and utilize gifts or bequests of real or personal property for the purpose of aiding and facilitating the work authorized therein.

"(b) For the purpose of Federal income, estate, and gift taxes, gifts and bequests accepted by the Secretary of Commerce under the authority of this act shall be deemed to be gifts and bequests to or for the use of the United States.

"SEC. 12. (a) The National Bureau of Standards is authorized to utilize in the performance of its functions the Working Capital Fund established by the Act of June 29, 1950 (64 Stat. 275), and additional amounts as from time to time may be required for the purposes of said fund are hereby authorized to be appropriated.

"(b) The working capital of the fund shall be available for obligation and payment for

any activities authorized by the Act of March 3, 1901 (31 Stat. 1449), as amended, and for any activities for which provision is made in the appropriations which reimburse the fund.

"(c) In the performance of authorized activities, the Working Capital Fund shall be available and may be reimbursed for expenses of hire of automobile, hire of consultants, and travel to meetings, to the extent that such expenses are authorized for the appropriations of the Department of Commerce.

"(d) The fund may be credited with advances and reimbursements, including receipts from non-Federal sources, for services performed under the authority of section 3 of this act.

"(e) As used in this act the term 'cost' shall be construed to include directly related expenses and appropriate charges for indirect and administrative expenses.

"(f) The amount of any earned net income resulting from the operation of the fund at the close of each fiscal year shall be paid into the general fund of the Treasury: *Provided*, That such earned net income may be applied first to restore any prior impairment of the fund."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PER CAPITA PAYMENTS TO MEMBERS OF CERTAIN INDIAN TRIBES

Mr. CLEMENTS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1180, Senate bill 2087.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2087) to amend the act of May 19, 1947, to permit per capita payments to the individual members of the Shoshone Tribe and the Arapahoe Tribe of the Wind River Reservation in Wyoming, to be made quarterly.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 3, after the word "June", to insert "The additional administrative costs of any annual distribution in more than two installments shall be borne by the tribe", so as to make the bill read:

Be it enacted, etc. That section 3 of the act entitled "An act to authorize the segregation and expenditure of trust funds held in joint ownership by the Shoshone and Arapahoe Tribes of the Wind River Reservation," approved May 19, 1947 (ch. 80, 61 Stat. 102), as amended, is hereby amended by striking the words "and the first day of March" wherever it appears therein, and inserting in lieu thereof "the first day of December, the first day of March, and the first day of June." The additional administrative costs

of any annual distribution in more than two installments shall be borne by the tribe.

Mr. CLEMENTS. Mr. President, the purpose of Senate bill 2087 is to amend existing law so as to require that per capita distribution shall be made in four installments each year, September, December, March, and June, instead of in two installments, to the members of the Shoshone and Arapahoe tribes of the Wind River Reservation, Wyo. A quarterly distribution will be in the best interests of the Indians, because many of them are not able to handle larger payments wisely.

The Joint Shoshone-Arapahoe Business Council, by Resolution No. 481, dated January 27, 1955, requested the enactment of this proposed legislation. The council agreed that any additional administrative costs resulting from the quarterly distribution would be borne by the two tribes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRIBUTION OF CERTAIN MONIES TO THE KAW TRIBE OF INDIANS

Mr. CLEMENTS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1181, Senate bill 2197.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2197) to authorize the Secretary of the Interior to distribute equally to members of the Kaw Tribe of Indians certain moneys to the credit of the tribe in the United States Treasury.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 4, after the word "devisees", to strike out "Any additional expenses incurred by the Secretary in connection with the distribution of funds pursuant to this act shall be paid out of such funds", so as to make the bill read:

Be it enacted, etc. That the Secretary of the Interior is authorized and directed to distribute equally among the members of the Kaw Tribe of Indians whose names appear on the roll prepared pursuant to the act of July 1, 1902 (32 Stat. 636), and the persons who were allotted under the Act of April 29, 1922 (42 Stat. 1589), all funds on deposit in the Treasury of the United States to the credit of the Kansas or Kaw Tribe of Indians, including funds appropriated by the act of April 22, 1955 (69 Stat. 28), for the payment of a judgment against the United States. The share of any deceased member

shall be distributed among his heirs or devisees.

Mr. CLEMENTS. Mr. President, the purpose of S. 2197 is to authorize the Secretary of the Interior to distribute equally to members of the Kaw Tribe of Indians certain moneys to the credit of the tribe in the United States Treasury. The Kaw Indians brought an action against the Government in the Indian Claims Commission and were awarded a judgment of \$2,398,220.02. Congress has appropriated this amount, and, after payment of fees and expense totaling \$182,547.42 has placed the balance to the credit of the tribe in the Treasury of the United States.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

APPROVAL OF DEEDS EXECUTED BY THE HEIRS OF ANNA HOLLYWOOD FICKZ

Mr. CLEMENTS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1169, H. R. 898.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 898) to provide for the approval of deeds executed by the heirs of Anna Hollywood Fickz.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. CLEMENTS. Mr. President, H. R. 898 directs the Secretary of the Interior to approve deeds conveying an interest in a lot of a little less than 5 acres in Alaska, the appraised value of which is approximately \$250, to the wife of one of the heirs of the original allottee.

The tract was allotted in 1935 to Mrs. Anna Hollywood Fickz, an Indian with the certificate of title providing that the land was to be the homestead of the allottee and was to be inalienable and untaxed.

The allottee died in 1936, leaving 9 heirs. The wife of one of them, a Mrs. John Hollywood, had cared for Mrs. Fickz, then an invalid, for the last 6 years of her life. In recognition of her claim for services, the heirs wish to quitclaim their interest in the tract to Mrs. Hollywood. This legislation would authorize the Secretary to approve the deeds of those of the heirs who choose to quiteclaim their interest.

The deeds which the Secretary is directed to approve by H. R. 898 would be subject to an existing right-of-way previously conveyed to the Territory of Alaska.

7/29/55

13. FARM PROGRAM. Sen. Symington charged "political manipulation in the farm program in Missouri"; and Sen. Humphrey joined him in the statement (pp. 10519-29).
14. WATER POLLUTION. Sen. Duff urged water-pollution control as a means of conserving water (pp. 10529-30).
15. FARM CREDIT. H. R. 5168, the FCA bill, was made the unfinished business (p. 10546).

HOUSE - July 29

16. SUPPLEMENTAL APPROPRIATION BILL, 1956. Received the conference report on H. R. 7278 (pp. 10460-4). Attached to this Digest is a statement showing actions on the USDA items in this bill.
17. HOUSING. Passed, 396 to 3, S. 2126, the housing bill, with an amendment by Rep. Wolcott in the nature of a substitute (pp. 10444-43). The Wolcott amendment, which was agreed to by a vote of 217 to 188, does not include the provision for continuation of the farm housing program which has been authorized for administration by this Department. House and Senate conferees were appointed (pp. 10443, 10505).
18. SUGAR. Agreed to a resolution to provide for debate on H. R. 7030, to amend and extend the Sugar Act (pp. 10445-6).
19. DEFENSE PRODUCTION. Began debate on H. R. 7470, to amend and extend the Defense Production Act (pp. 10445-50).
20. FARM LABOR. Agreed to the conference report on H. R. 3822, which provides for a 3½ year extension (until June 30, 1959) of the Mexican farm-labor program, relieves employers of double liability for the cost of returning a worker to Mexico where the employer has paid once for such movement but the Mexican does not return and is later apprehended, and specifies that the Secretary of Labor is to obtain information on the availability of domestic workers, prevailing wage rates, and labor shortages in the area, then post publicly the number of workers to be imported (p. 10401). This bill will now be sent to the President.
21. SURPLUS COMMODITIES. Agreed to the conference report on H. R. 2851, to authorize the Secretary of Agriculture, until June 30, 1957, upon request of a State Governor, to distribute to the State wheat flour and corn meal owned by CCC using Sec. 32 funds limited to \$15 million a year (p. 10402). This bill will now be sent to the President.
22. PERSONNEL. House conferees were appointed on H. R. 4048, making recommendations to the States for legislation to permit and assist Federal personnel to vote (pp. 10444-5).
23. WATER RESOURCES. Agreed to the conference report on H. R. 3990, to authorize the Interior Department to investigate and report to Congress on projects for the conservation, development, and utilization of water resources of Alaska (pp. 10394-5). This bill will now be sent to the President.
24. PERSONNEL. Passed as reported H. R. 7618, to increase annuities of retired employees by 12% on the first \$1,500 and 8% thereafter up to \$4,000, with a gradual reduction in the increases until they end on Dec. 31, 1957 (pp. 10395-6).
25. WATER COMPACT. Passed as reported S. 2660, consenting to a compact among Ark.,

- Tex.,
La., and Okla. regarding Red River basin waters (p. 10395).
The Public Works Committee reported with amendments H. R. 6256, consenting to a compact of Kans. and Okla. regarding Arkansas River Basin waters (H. Rept. 1592)(p. 10466).
26. RECLAMATION. House conferees were appointed on H. R. 5881, to provide for Federal cooperation in non-Federal reclamation projects, etc. (p. 10395). Senate conferees were appointed July 28.
Rep. Pfost spoke in favor of the Hells Canyon project (p. 10402).
Received from the Interior Department a report on the Ventura project, Calif. (H. Doc. 222); to Interior and Insular Affairs Committee (p. 10465).
The Interior and Insular Affairs Committee reported without amendment S. 180, to authorize the Washita River Basin project, Okla. (H. Rept. 1582)(p. 10466).
27. SURPLUS PROPERTY; CIVIL DEFENSE. Passed as reported H. R. 7227, to amend the Federal Property and Administrative Services Act of 1949 so as to authorize disposal of surplus property for civil defense purposes (pp. 10396-7).
28. PROPERTY; TAXATION. Passed without amendment H. R. 6182, to amend the Federal Property and Administrative Services Act so as to make temporary provision for payments in lieu of taxes with respect to certain real property transferred by RFC to other Government departments (pp. 10397-401).
29. FARM-CITY WEEK. Rep. Ashmore requested consideration of H. J. Res. 317, to provide for Farm-City Week, but Rep. King, Pa., objected (p. 10404).
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30. PUBLIC LANDS; MINING. House and Senate conferees were appointed on H. R. 100, to permit the mining, development, and utilization of mineral resources of all public lands withdrawn or reserved for power development (pp. 10445, 10530).
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31. REORGANIZATION; PAPERWORK. Rep. Hollifield criticized the Hoover Commission procedure in connection with the study on paperwork (pp. 10457-9).
32. WILDLIFE CONSERVATION. The Merchant Marine and Fisheries Committee reported without amendment S. 756, to authorize the appropriation of accumulated receipts in the Federal-aid wildlife-restoration fund (H. Rept. 1756)(p. 10466).
33. LIBRARY SERVICES. The Education and Labor Committee reported without amendment H. R. 2840, to promote the further development of public library service in rural areas (H. Rept. 1587)(p. 10466).

ITEMS IN APPENDIX - July 29

34. SUGAR. Rep. Utt inserted the testimony of Oscar L. Chapman on the sugar bill (pp. A5612-14).
35. TOBACCO. Rep. Lankford inserted an editorial favoring purchase of Swiss products so as to enable the Swiss to purchase American tobacco (p. A5614).
36. PERSONNEL. Rep. Hoffman inserted a Saturday Evening Post article, "Loyalty Boards Can Err, but We Still Need Them"(p. A5622).
37. FARM PROGRAM. Sen. Humphrey inserted a Democratic Digest article charging "pledges and hedges" regarding the farm program by the administration (pp. A5624-5).

Texas? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. BURLESON, ASHMORE, and MORANO.

MINING, DEVELOPMENT, AND UTILIZATION OF MINERAL RESOURCES OF PUBLIC LANDS WITHDRAWN OR RESERVED FOR POWER DEVELOPMENT

Mr. ENGLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 100) to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes, with Senate amendments, disagree to the amendments of the Senate and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. ENGLE, ASPINALL, ROGERS of Texas, SAYLOR, and YOUNG.

STEPHAN SWAN OGLETREE

Mr. FORRESTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6232) to include as Spanish-American War service under laws administered by the Veterans' Administration certain service rendered by Stephen Swan Ogletree during the Spanish-American War, with Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert "That, for the purpose of laws administered by the Veterans' Administration, it shall be considered that Stephan Swan Ogletree was honorably discharged from Company G, Second Regiment Alabama Volunteer Infantry, after having rendered at least 70 days active military service therein during the Spanish-American War. No benefit shall be afforded hereunder for any period prior to the date of receipt of an application therefor filed subsequent to the date of enactment of this act."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Senate amendment was concurred in; a motion to reconsider was laid on the table.

COMMISSIONER OF ATOMIC ENERGY COMMISSION

Mr. DURHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7684) to authorize the Atomic Energy Commission to pay the salary of a Commissioner during the recess of the Senate, and for other purposes.

The Clerk read the title of the bill.

Mr. COLE. Mr. Speaker, reserving the right to object, will the gentleman

from North Carolina give a brief explanation of the bill?

Mr. DURHAM. Mr. Speaker, this bill simply permits the President to pay the salary of a Commissioner to fill a vacancy at the present time, provided appointment is made as an interim appointment. It also contains a provision dealing with certain information regarding the Commissioners.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc.—

AUTHORIZATION

SECTION 1. Notwithstanding the provisions of the act of June 7, 1924 (43 Stat. 699; 5 U. S. C. 56), the United States Atomic Energy Commission is authorized to pay the salary of any person appointed by the President during the recess of the Senate to fill the presently existing vacancy on the Atomic Energy Commission: *Provided*, That a nomination to fill such vacancy shall be submitted to the Senate not later than 40 days after the commencement of the next succeeding session of the Senate.

LIMITATION

SEC. 2. The authority granted in section 1 hereof shall not extend beyond the recess of the Senate next following the session of Congress during which this act is enacted.

SEC. 3. The first sentence of section 21 of the Atomic Energy Act of 1954 is amended to read as follows: "Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission, shall have full access to all information relating to the performance of his duties or responsibilities, and shall have one vote."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMITTEE ON PUBLIC WORKS

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file a report on the bill H. R. 7596.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

HOUR OF MEETING JULY 30

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet tomorrow at 10:30 o'clock a. m.

Mr. H. CARL ANDERSEN. Mr. Speaker, I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDING THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 320, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7470) to amend the Defense Production Act of 1950, as amended. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto for final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, adoption of House Resolution 320 will make in order the consideration of the bill (H. R. 7470) to amend the Defense Production Act of 1950, as amended.

House Resolution 320 provides for an open rule with 1 hour of general debate on the bill.

Mr. Speaker, this bill would extend the provisions of the Defense Production Act to the close of June 30, 1956. As the report indicates the necessity for the extension of this act lies in the fact that the country is still engaged in mobilization and defense programs and it is imperative that the program be continued.

The bill has been reported from the Committee on Banking and Currency without amendment and the committee report complies with the Ramseyer Rule.

Since the rule is an open one and therefore the bill would be open for amendment I hope that the House will adopt House Resolution 320 which will make consideration of H. R. 7470 possible.

Mr. Speaker, I yield 30 minutes of my time to the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN of Illinois. Mr. Speaker, I reserve my time.

Mr. THORNBERRY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

AMENDING AND EXTENDING THE SUGAR ACT OF 1948, AS AMENDED

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 328 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7030) to amend and extend the Sugar Act of 1948, as amended, and for other purposes, and all points of order against such bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the

intervention of any point of order the substitute amendment recommended by the Committee on Agriculture now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Illinois [Mr. ALLEN], and at this time I yield myself such time as I may consume.

Mr. Speaker, as indicated by the reading of the resolution, it makes in order consideration of the bill H. R. 7030, to amend and extend the Sugar Act of 1948.

Mr. ALLEN of Illinois. Mr. Speaker, I know of no opposition to this rule. It makes in order consideration of the bill H. R. 7030. Certain comments were made in regard to three amendments that might be offered, but I shall not go into that now.

Mr. Speaker, I reserve the balance of my time.

Mr. TRIMBLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

AMENDING THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

Mr. SPENCE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7470) to amend the Defense Production Act of 1950, as amended.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 7470, with Mr. SHEPARD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. SPENCE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill would extend the Defense Production Act for another year. The Defense Production Act is an emergency act. It was enacted during the Korean war, and the only justification for its continuance is that there still is an emergency. I think we can all agree to that. The world is in such an unsettled state that we have to be constantly prepared for any emergency; that we must keep the administrative machinery in operation so it will not be hard to continue it in its full vigor if we need it.

The Defense Production Act now contains only three titles relating to allocations and priorities, defense production assistance, and administrative provi-

sions. The bill makes few changes in the act. The administration has asked for the services of men who have special skills, who work without compensation. Many of these are men who have vast holdings in various enterprises that might conflict with their duties to their Government. These men have not been under very close supervision. They have largely exercised their judgment without the strict control that it seems to me should be exerted over them. A man certainly cannot serve two masters, and we are told that where a man's treasure is there his heart is also. So, we have placed restrictions upon these gentlemen. We have provided that they should divulge their holdings to the heads of their agencies and they should not make any policy decisions. Some people have said that a good man would resent these requirements; that he would not come here to serve. But, I am quite sure that a man who was imbued with a patriotic spirit and a desire to serve would be glad to have such restrictions imposed on all w. o. c.'s, because if there is any breach of duty or any unfaithfulness on the part of anyone, the taint falls on all. So, we have proposed some strong provisions that will protect the interests of the Government if men should seek to enrich themselves by pretending to serve their Government.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from New York.

Mr. CELLER. I have read carefully the bill the committee reported out, and it does make a sincere effort to curb the operations of those who have dual loyalties or w. o. c.'s, without compensation, those whom we called in the Second World War "dollar-a-year men." But, in the inquiry that the House Committee on the Judiciary has made, evidence has been adduced to show, for example, that the Director of the Business Defense Services Administration—which is a successor to the old NPA—in the Department of Commerce, has ruled that w. o. c.'s may be heads of divisions. There are 25 divisions in the Department of Commerce, and 15 of those division heads are w. o. c.'s. These division heads pass upon or recommend on matters of tax amortization, matters of quotas, matters of preferred treatment, Government specifications in contracts, and, in addition, they control scores and scores of civilian employees. Now, the head of the Business and Defense Services Administration, Mr. Honeywell, said that a head of a division should be a w. o. c. He at least prefers w. o. c.'s to head divisions. He has made that decision and could make that decision even with the passage of the bill that the gentleman reported out. I am of the opinion—and I am sure the gentleman is—that the head of such a division is in a policymaking position in view of what his duties are. If he is in a policymaking position the w. o. c. should not be employed. Secretary of Commerce is not to place in a policymaking position w. o. c.'s, but Mr. Honeywell and Mr. Weeks have already decided w. o. c.'s may be the heads of divisions. In other

words, the gentleman's bill will not prevent them from doing just that. The Department of Commerce heads determine what is or what is not a policymaking position. They determine in advance that a head of a division is non-policymaking. An amendment might well be offered to the effect that a division head is a policymaking position and cannot be filled by any w. o. c.

Mr. SPENCE. I yield 5 minutes to the gentleman from Texas [Mr. PATMAN].

EMPLOYEES WITHOUT COMPENSATION

Mr. PATMAN. Mr. Chairman, this bill permits the continuance of w. o. c.'s without compensation. During World War I the Government permitted the use of dollar-a-year men. During World War II the use of dollar-a-year men was again permitted. When the Korean war commenced in 1950, I believe in either October or November of that year, President Truman asked for the passage of this act, the Defense Production Act. It permitted the use of w. o. c.'s without compensation. He restricted their activities to a certain extent and it was intended that it apply only during the war or a great national emergency. That was the purpose of the use of w. o. c.'s.

You cannot justify their use any other way. Let us remember that in 1953 when the extension of this act was again requested by President Eisenhower, Mr. Truman's order continued as it was before for the last 2 years, it extended the act until 1955. It expired June 30, 1955 but a continuing resolution extends it to July 30, 1955. It is a simple question now, and the question is, Shall we in time of peace permit the use of people in Government service who have a conflict of interests and who have a personal ax to grind, a selfish ax to grind. In other words, whom will they serve? Will they serve their Government or will they serve the corporation that pays them a salary. That is the question involved here.

I have a simple amendment to this bill, that is really just one word, just the word "not," so it in effect will read that they shall not be permitted.

Mr. BROWN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. BROWN of Georgia. The gentleman mentions the word "not." If this word "not" is inserted in the bill it will practically kill the effect of the bill. You have to have some of these \$1-a-year men. We have corrected the situation mentioned by the gentleman by placing many amendments in the bill, and I do not see how anybody could take advantage of the Government under the amendments we have put in this bill. Of course, you have to give the Administrator, Dr. Flemming, who is one of the finest men I know anywhere, the tools with which to carry out his duties. Inserting the word "not" means that he cannot carry out these duties.

Mr. PATMAN. We will not have any w. o. c.'s, that is what I mean by this.

This amendment is to strike out all the language beginning on page 4, line 7, and all of pages 5, 6, 7, and on page 8.

to be "busting out all over" except in the countryside where we expect things to burst out and to grow.

I predict that this fall the situation will be even more serious, with hog prices down, grain prices down, and cattle prices down.

While all this goes on, we read a report concerning the United States Steel Corporation's profits, which are double in the first half of this year as compared with the first half of last year.

Those are the figures which we are supposed to look at and then feel that everything is just wonderful, while the farmer is being economically strangled.

Mr. President, it is high time that proper attention be paid to this matter before we find a repetition of the so-called prosperity of the 1920's which found itself in jeopardy because of the recession and depression in the rural areas, culminating in the collapse of the early 1930's.

Mr. SYMINGTON. I thank the Senator from Minnesota. Only recently the Secretary of Agriculture stated in my State that he was quite happy now with the position of the American farmer. I have a chart which I will send the Senator from Minnesota tomorrow, showing what has happened in recent years to parity, which is a term for justice to the farmer, as against what happened to the stock market. Steadily the income of the farmer has dropped in recent years, and steadily the prices of stocks have gone up. The people who are fortunate enough to be able to clip coupons are getting steadily richer, as compared with the farmers who toil from dawn until sunset. It is about time, in my opinion, that this matter be looked into, not only in the State of Missouri, but all over the country.

Again I wish to assure the Senator from Minnesota a warm welcome when he visits our State in the fall.

THE WASTE AND MISUSE OF WATER

Mr. DUFF. Mr. President, before the close of the session I rise to bring to the attention of the Senate the gross waste and misuse of one of the basic natural resources of this Nation—water.

No year passes without a devastating drought in some sector of the Nation, yet we have been so remiss in capturing excesses of water when it occurs that constantly recurring floods cost hundreds of millions of dollars. These waters if captured before attaining flood stage could not only materially lessen the damage from floods but as well eliminate in many sectors the damage from drought by providing abundant water for irrigation.

In the Ohio Valley alone the 24-year average loss from floodwaters from 1927 to 1951 was \$31,720,000 while the catastrophic flood of 1937 caused an estimated damage in the vast sum of \$413,937,000.

While flood loss is sporadic and apt to shift from one sector of the Nation to another from time to time, there is another type of damage appertaining to water that for the most part occurs everywhere every day where there is water. This is the damage occurring by reason

of the wholesale pollution of our streams and lakes.

Even here at the National Capital, at Washington, amidst the beauty of extraordinary natural and landscaped surrounding, and within sight of the magnificence of national monuments and world famous buildings, the famed Potomac winds its way to the Chesapeake so foully laden with human excrement and other offensive and poisonous pollutants that it is vile and pestilential—a disgraceful cesspool in the very heart of the capital city of the world.

Going away from the Capital, the waters of the Hudson, the Delaware, the Susquehanna, the Ohio, and the Mississippi, all tell the same terrible tale.

In September 1609, when Henrik Hudson was exploring the waters of our middle Atlantic coast, before he reached the great river which now bears his name, he passed on his voyage northward what later was identified as the mouth of the Delaware River. On that day he entered in the logbook of his ship, the *Half Moon*, that never had he known waters of such sweetness and fragrance. Could he return to the same waters today he would find them stinking like a suppurating wound and filled with various kinds of offensive and pestilential filth. The same could be said of most of the waters flowing through the great populous and industrial centers of America.

In recognition of the serious consequence entailed by such pollution, the Congress of the United States in the River and Harbor Act approved August 26, 1937, directed a survey of the Ohio River and its tributaries to ascertain what pollutive substances are being deposited, directly or indirectly, therein and the sources and extent of such deposits, with a view to determining the most feasible method of correcting and eliminating the pollution of these streams and inferentially all streams so polluted.

Pursuant to that authorization and directive there was conducted between 1937 and 1943, as shown by the report, "the most complete and comprehensive examination ever made into the sanitary condition of a major river and its tributaries draining an area highly developed commercially, industrially, and agriculturally. About 4 years were required to obtain and analyze the voluminous field data necessary for a sound financial, administrative, and other associated questions, and to develop a plan for remedial improvements recommended therein."

The 3 extensive volumes of the Report of the Ohio River Committee are 3 volumes seriously commended to everyone concerned by the gross and outrageous misuse of one of the greatest of all our natural resources—our water supply.

Although 12 years have elapsed since the filing of that report, relatively little effect has been given to its serious and grave recommendations. Meanwhile our population has increased by more than 20 million souls, and the industrial components of such pollution in a fabulously greater proportion.

What that report shows in the Ohio Basin is true of every river basin where like or similar conditions prevail, and therefore intimately concerns the Nation as a whole.

In sum, the more our population increases, the greater the expansion of our industrial complex, and consequently the greater the demand for a supply of potable and usable industrial water, the more we increase pollution and the more we decrease the usable supply.

This situation, if permitted to continue unremedied, will inevitably result in disaster.

When the French in Canada explored the upper Ohio prior to establishing themselves at Fort Duquesne, now Pittsburgh, they named the Ohio "the Beautiful River" and stated in their reports to the mother country that it was the most beautiful river they had ever beheld.

Two hundred years later the report on the Ohio River shows it to be vile and filthy almost beyond fully accurate description.

There are reaches in the Ohio River where the water is so hard, as the result of pollution, that even when processed by the usual methods of filtration, in a period of 10 or 12 years it will eat pin-point holes in galvanized and brass plumbing and only copper plumbing will withstand its continuous ravages. When it is remembered what constant irritation can induce in the delicate membranes of the body, it becomes clear what a major threat to the public health the necessitous use of water of such character may become.

As the result of domestic and industrial pollutants, all water supplies from the river are subject to bacterial pollution.

The report shows that while excellent facilities are available for bathing, that indiscriminate use of the streams for this purpose constitute a dangerous hazard to public health. The deposition of sewage solids along the river bank below sewer outfalls is a common occurrence. These deposits constitute a source of disease which may be transmitted by flies or other insects.

In places the accumulation of human and industrial wastes is so great that a chemist for the Wheeling Waterworks about 60 miles below Pittsburgh was led to observe that the Ohio, as it passed Wheeling, was not water, it was merely thinly diluted sewage.

As the report concludes, the principal damages from stream pollution are to public health, domestic and industrial water supply, recreation, navigation, plant and animal life, and aesthetic values.

Let no one self-righteously point a finger at the Ohio. What obtains there obtains everywhere to the streams in America to a greater or less degree depending only upon the concentration of population and industry.

A continuation unremedied of these conditions is a serious threat to the health, prosperity and welfare of the Nation. The time is long past to do something about it. When do we intend to begin on a national basis? This

proposition is squarely up to the Congress. The time is late. Effective remedial measures ought to be one of the first objectives of the next session of the Congress.

MINING DEVELOPMENT AND UTILIZATION OF MINERAL RESOURCES ON CERTAIN PUBLIC LANDS

The PRESIDING OFFICER (Mr. BIBLE in the chair) laid before the Senate a message from the House of Representatives announcing its disagreements to the amendment of the Senate to the bill (H. R. 100) to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MURRAY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ANDERSON, Mr. O'MAHONEY, Mr. SCOTT, Mr. KUCHEL, and Mr. GOLDWATER conferees on the part of the Senate.

AMENDMENT OF DOMESTIC MINERALS PROGRAM EXTENSION ACT OF 1953—ADDITIONAL CONFEREES

Mr. MURRAY. Mr. President, I ask unanimous consent that the names of the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Idaho [Mr. DWORSHAK] be added as additional conferees on the bill (H. R. 6373) to amend the Domestic Minerals Program Extension Act of 1953 in order to extend the programs to encourage the discovery, development, and production of certain domestic minerals.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE IMMORTAL CORDELL HULL

Mr. NEELY. Mr. President, as Shelley wept for Adonais, so I weep for the illustrious Cordell Hull, whose remains were interred last Tuesday at the Washington Cathedral, in a crypt of the Chapel of St. Joseph of Arimathea:

Till the future dares,
Forget the past, his fate and fame shall be
An echo and a light unto eternity.

Earth became poorer and heaven grew richer last Saturday when Cordell Hull passed from the narrow bank and shoal of time through the pearly gate into paradise to receive a starry crown and enter upon the endless enjoyment of the fulfilled divine promise:

Blessed are the peacemakers: for they shall be called the children of God.

From the distant day in November 1913, when it was my privilege to become acquainted with Judge Hull as a fellow Member of the House of Representatives, until he passed away, he was my beloved, generous, just, and faithful friend.

To the end of his long, busy, useful life, where duty led he followed, unseparated by flattery, undaunted by opposition, and untempted by rewards. His character was as spotless as the ermine in its winter dress; his reputation was as stainless as the Nation's flag.

As judge, Congressman, Senator, party leader, and Secretary of State, he walked the rugged road of right; like the apostle Paul, he constantly kept the faith; he habitually wore the snow-white plume of a blameless life. He was as patriotic as George Washington, as courageous as Andrew Jackson, as statesmanlike as Woodrow Wilson. In the temple of righteousness he worshipped; upon the altar of truth he burned his incense; at the shrine of peace he bowed his knees.

His diversified actions in promotion of the general welfare were legion; his legislative achievements were unnumbered; his diplomatic endeavors in behalf of lasting, worldwide peace were innumerable. His deeds of loving kindness to his fellow men were as countless as the sands on the shore of the sea. His crowning public service, which the world will forever remember, and for which humanity will never cease to sing his praise, was his matchless contribution to the creation of the United Nations Organization—the first, the last, the best, and the only hope of the human race for enduring deliverance from the distressing fear, the agonizing threat and the annihilating reality of total war. The seed of peace, which he planted in soil cultivated by his own hands, has grown into a various mighty fabric of root and trunk and flower which, like the apocalyptic tree of life, "yields her fruit every month," and the leaves of which "are for the healing of the nations."

For Cordell Hull's patriotism we lauded him, for his service to the world we honored him; for his devotion to his God, his country, his family, and his friends we loved him. As we lauded, honored, and loved him in life, so we revere him in death, tenderly cherish his memory, and, in imagination, with bowed heads, loving hearts and lavish hands, strew the freshest, the fairest, and the most fragrant of flowers above his hallowed dust. We now wrap the resplendent record of his brilliant achievements in the silver foil of appreciation, entwine it with the golden threads of affection, and carefully store it in the casket of fondest recollections, where neither moth nor rust can corrupt it; and where thieves cannot break through and steal it.

It is our fervent hope and devout prayer that eventually we may all be reunited with this beloved friend and noble prince of public servants in "that fair and happy land just across on the evergreen shore." In the interval between the now and then, dear heart—

Farewell. . . .

All our thoughts go onward with you.
Come not back again to labor,
Come not back again to suffer,
Where the famine and the fever
Wear the heart and waste the body.
Soon our task will be completed.
Soon your footsteps we shall follow,
To the Islands of the Blessed,
To the Land of the Hereafter.

To the radiant land where the rainbow never fades, where friends never part, and loved ones never, never die.

ESTABLISHMENT OF LOCAL SELF-GOVERNMENT AT THE COMMUNITIES OF OAK RIDGE, TENN., AND RICHLAND, WASH.

The Senate resumed the consideration of the bill (S. 2630) to facilitate the establishment of local self-government at the communities of Oak Ridge, Tenn., and Richland, Wash., and to provide for the disposal of federally owned properties of such communities.

The PRESIDING OFFICER. The question is on agreeing en bloc to the amendments of the Senator from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	George	Millikin
Allott	Goldwater	Monroney
Anderson	Gore	Morse
Barkley	Green	Mundt
Barrett	Hayden	Murray
Beall	Hennings	Neely
Bender	Hill	Neuberger
Bible	Holland	O'Mahoney
Bricker	Hruska	Pastore
Bridges	Humphrey	Payne
Bush	Ives	Potter
Butler	Jackson	Purtell
Byrd	Jenner	Robertson
Capehart	Johnston, S. C.	Russell
Carlson	Kefauver	Schoeppel
Case, N. J.	Kerr	Scott
Case, S. Dak.	Kilgore	Smathers
Chavez	Knowland	Smith, Maine
Clements	Kuchel	Smith, N. J.
Cotton	Langer	Sparkman
Curtis	Lehman	Stennis
Daniel	Long	Symington
Dirksen	Magnuson	Thurmond
Douglas	Malone	Thye
Duff	Mansfield	Watkins
Dworshak	Martin, Iowa	Welker
Eastland	Martin, Pa.	Wiley
Ellender	McCarthy	Williams
Ervin	McClellan	Young
Fulbright	McNamara	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing en bloc to the amendments of the Senator from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. President, the purpose of the amendments I have offered to Senate bill 2630 is to meet the objections which have been raised by the executive branch. Those objections are set forth in a letter from the Bureau of the Budget, which I inserted in the CONGRESSIONAL RECORD of July 28; and if the Members of the Senate will examine the CONGRESSIONAL RECORD of yesterday—of course a copy of that issue of the RECORD is on each Senator's desk—and will look at page 10192, they will see the letter, dated July 26, 1955, from the office of the Bureau of the Budget.

Mr. President, my amendments would limit the initial provision for annual assistance payments to a period of 3 years, subject to reconsideration and, if necessary, extension, following a review of the situation to be made by the Atomic Energy Commission.

It appears that without the time limit contained in these amendments, the Federal Government would continue to

58. MINIMUM WAGE. Agreed to the conference report on S. 2168, to increase the minimum wage, under the Fair Labor Standards Act, to \$1 per hour, effective Mar. 1, 1956 (p. 10559). This bill will now be sent to the President.
59. FORESTRY. Passed without amendment S. 72, to give national forest status to certain lands in Lincoln National Forest, N. Mex. (pp. 10585, 10671). This bill will now be sent to the President.

Passed without amendment H. R. 374, to authorize the adjustment and clarification of ownership of certain lands within the Stanislaus National Forest, Calif. (pp. 10585-6).

Passed with amendments H. R. 426, to authorize this Department to set aside areas of not over 640 acres, in national forests or title 3 Bankhead-Jones lands, for division into lots and sale as townsites (p. 10586).

Passed as reported H. R. 1855, to authorize the Secretary of Agriculture to advance Federal funds in the furtherance of cooperative forestry research projects (p. 10587).
60. LAND TRANSFER. Passed without amendment H. J. Res. 112, to release the reversionary right to improvements on a tract of former Rural Rehabilitation Corp. land in Orangeburg, S. C. (pp. 10589-90).
61. TOBACCO. Passed without amendment S. 2297, to amend the law regarding tobacco marketing quotas and referendums, including a provision to permit a referendum to be conducted on the single question of marketing quotas for 3 years (instead of on 3 years and 1 year, as at present) (pp. 10596-7). This bill will now be sent to the President.

H. R. 6846 and 6847, to make other amendments to this legislation, were discussed and passed over at the requests of Reps. Deane and Burnside, respectively (p. 10596).
62. RICE. Passed without amendment H. R. 7302, to prevent persons from moving from one State to another and taking their rice allotments with them (p. 10597).

Passed without amendment S. 2511, to provide that for 1956 no national rice acreage allotment shall be established which is less than 85% of the final allotment established for the immediately preceding year (pp. 10606-7). This bill will now be sent to the President.
63. FARM LABOR. Passed as reported H. R. 6888, to facilitate the entry of skilled shepherders chargeable to the immigration quota for Spain (pp. 10597-8).
64. EDUCATION. Passed as reported H. R. 7245, to amend and extend the program for Federal aid to school districts in areas affected by Federal activities (pp. 10604-5).

Passed without amendment S. 2081, to amend the Veterans' Readjustment Assistance Act of 1952 to provide that education and training allowances paid to veterans pursuing institutional on-farm training shall not be reduced for 12 months after they have begun their training (pp. 10656-7). This bill will now be sent to the President.
65. BONDING EMPLOYEES. Agreed to the conference report on H. R. 4778, to provide for the purchase of bonds to cover Government employees (p. 10655). This bill will now be sent to the President.
66. PUBLIC LANDS; MINING. Received the conference report on H. R. 100, permitting the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development (pp. 10674-5). The Senate agreed to the conference report on this bill (pp. 10775).

67. BUILDINGS. Passed without amendment S. 1210, to amend the Public Buildings Act of 1949 so as to provide a 5-year limitation on the period of leases of space for Federal agencies in D. C. (p. 10594). This bill will now be sent to the President.
68. WATER COMPACT. Passed without amendment S. 1391, consenting to a compact between Calif. and Nev. regarding waters of Truckee, Carson, and Walker Rivers and Lake Tahoe (pp. 10583-4). This bill will now be sent to the President.
69. PERSONNEL. Passed as reported H. R. 7619, to adjust pay rates of department heads and other major officials (pp. 10662-6). For provisions of bill, see Digest 128.
- Passed as reported S. 1041, providing for inclusion of certain cooperative State service in the authorized coverage of the Civil Service Retirement Act (pp. 10581-2). For provisions of bill, see Digest 110.
- Passed as reported S. 1792, to amend the Federal Employees Group Life Insurance Act of 1954 so as to authorize the assumption of the insurance obligations of any nonprofit association of Federal employees (p. 10582). For provisions of bill, see Digest 110.
- Passed as reported H. R. 2383, to authorize an Inventive Contributions (Awards Board in the Defense Department (pp. 10602-4).
- Passed without amendment H. R. 3255, to amend the Classification Act of 1949 to preserve in certain cases the rates of basic pay of officers and employees whose positions are placed in lower grades by virtue of reclassification actions under such Act (pp. 10657-8).
- Discussed and, at the requests of Reps. Vanik and Hagen, passed over H. R. 3084, to amend legislation regarding prevention of political activities so as to include State officers and employees (pp. 10604, 10655).
70. RECLAMATION. Passed without amendment H. R. 1603, to terminate the prohibition against employment of Mongolian labor in the construction of reclamation projects (p. 10613).
71. PUBLIC LANDS. Passed with amendments H. R. 6994, to provide for entry and location, on discovery of a valuable source material, upon public lands classified as or known to be valuable for coal (pp. 10608-9).
72. ANIMAL DISEASES. Discussed and, at the request of Rep. Hoffman, Mich., passed over S. 1166, to restore, on a modified basis, the authority of this Department to restrict the entry of cattle and poultry into the Virgin Islands (p. 10594).
73. CCC STOCKS. On objection of Rep. Saylor, passed over H. R. 7252, to permit the sale of CCC stocks of basic and storable non-basic agricultural commodities without restriction where similar commodities are exported in raw or processed form (p. 10592).
74. SUBMARGINAL LANDS. At the request of Rep. Cunningham, passed over H. R. 6815, to provide for sale of certain title 3 Bankhead-Jones lands (p. 10594).
75. WILDLIFE CONSERVATION. Discussed and, on objection of Rep. Taber, passed over S. 756, to authorize the appropriation of accumulated receipts in the Federal-aid wildlife-conservation fund (p. 10654).
76. ADJOURNED until Mon., Aug. 1 (p. 10676).
77. LEGISLATIVE PROGRAM. Majority Leader McCormack announced the following among the bills to be considered Mon.: H. R. 7541, increase in CCC borrowing power;

PERMITTING THE MINING, DEVELOPMENT, AND UTILIZATION
OF THE MINERAL RESOURCES OF ALL PUBLIC LANDS WITH-
DRAWN OR RESERVED FOR POWER DEVELOPMENT

JULY 30, 1955.—Ordered to be printed

Mr. ENGLE, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H. R. 100]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 100) to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

CLAIR ENGLE,
WAYNE N. ASPINALL,
WALTER ROGERS,
JOHN P. SAYLOR,
CLIFTON YOUNG,

Managers on the Part of the House.

CLINTON P. ANDERSON,
JOSEPH C. O'MAHONEY,
W. KERR SCOTT,
THOMAS H. KUCHEL,
BARRY GOLDWATER,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 100) permitting the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to the amendments to the bill:

The Senate amendments, which are numbered 1 to 6 consecutively for easy reference are as follows:

1. Lines 5 and 6, page 1, insert the word "heretofore" between "States" and "Now".
2. Line 5, page 1, insert the letter "(a)" after "SEC. 2.".
3. Line 7, page 1, strike out "by statutory rights".
4. Line 7, page 2 after "second session)" strike out the period and insert a colon and the following:

And provided further, That nothing contained herein shall be construed to open for the purposes described in this section any lands (1) which are included in any project operating or being constructed under a license or permit issued under the Federal Power Act or other Act of Congress, or (2) which are under examination and survey by a prospective licensee of the Federal Power Commission, if such prospective licensee holds an uncanceled preliminary permit issued under the Federal Power Act authorizing him to conduct such examination and survey with respect to such lands and such permit has not been renewed in the case of such prospective licensee more than once.

(b) The locator of a placer claim under this Act, however, shall conduct no mining operations for a period of 60 days after the filing of a notice of location pursuant to section 4 of this Act. If the Secretary of the Interior, within 60 days from the filing of the notice of location, notifies the locator by registered mail of the Secretary's intention to hold a public hearing to determine whether placer mining operations would substantially interfere with other uses of the land included within the placer claim, mining operations on that claim shall be further suspended until the Secretary has held the hearing and has issued an appropriate order. The order issued by the Secretary of the Interior shall provide for one of the following: (1) a complete prohibition of placer mining; (2) a permission to engage in placer mining upon the condition that the locator shall, following placer operations, restore the surface of the claim to the condition in which it was immediately prior to those operations; or (3) a general permission to engage in placer mining. No order by the Secretary with respect to such operations shall be valid unless a certified copy is filed in the same State or county office in which the locator's notice of location has been filed in compliance with the United States mining laws.

The Secretary shall establish such rules and regulations as he deems desirable concerning bonds and deposits with respect to the restoration of lands to their condition prior to placer mining operations. Moneys received from any bond or deposit shall be used for the restoration of the surface of the claim involved and any money received in excess of the amount needed for the restoration of the surface of that claim shall be refunded.

(c) Nothing in this Act shall affect the validity of withdrawals or reservations for purposes other than power development.

5. Line 13, page 3, after word "reservation" strike out the period and insert a colon and the following:

Provided, That nothing in this Act shall be construed to limit or restrict the rights of the owner or owners of any mining claim who are diligently working to make a discovery of valuable minerals at the time any future withdrawal or reservation for power development is made.

6. Starting with line 20, page 3, strike out all of section 7.

EXPLANATION OF AMENDMENTS

Amendments 1, 2, and 3 are perfecting in nature.

Amendment 4 serves a dual purpose: Language in the form of a proviso has been added to the first paragraph of section 2 in response to a suggestion of the Federal Power Commission. Its purpose is to protect the rights and interests of holders of outstanding valid operational, construction, and preliminary licenses or permits authorized by law on lands previously withdrawn for power purposes or power sites.

In addition, language has been adopted in the form of a new subsection added to section 2 affecting placer-mining claims which may be located on lands opened to mining entry by H. R. 100. The House managers agree that the Secretary of the Interior should be advised immediately when placer claims are initiated since serious conflict frequently arises between mining activity and other lands uses when placer mining and dredging operations are involved, as this amendment provides. The language adopted would give to the Secretary authority in the case of placer-mining claims to hold public hearings to determine whether placer-mining operations in the areas would be detrimental to other uses of the lands. When necessary, the Secretary may require the locators of placer-mining claims to execute bonds or undertakings to the United States or to make deposits of money to assure restoration of the lands to their former condition. If the locators or their sureties fail to restore the lands, the deposits or bonds should be forfeited and the receipts obtained made immediately available for restoration of the lands by the Secretary.

Amendment 5 adds a proviso to section 5, with an aim of protecting rights of a mining claim owner diligently working to make a discovery of valuable minerals at the time of any future power withdrawal or reservation.

Amendment 6, which deletes section 7 of the House version of the bill, came about after careful consideration and recognition of the fact that its retention might seriously prejudice chances of final passage. Managers concluded that its retention would inevitably result in little or no development of mineral resources on unsurveyed lands, and very substantial title complications. Your conferees are fully sympathetic with the problems of States unable to utilize school-grant lands guaranteed them by their enabling acts simply because survey has not been completed. It is believed, however, that separate legislation should be developed to deal with this question.

CLAIR ENGLE,
WAYNE N. ASPINALL,
WALTER ROGERS,
JOHN P. SAYLOR,
CLIFTON YOUNG,

Managers on the Part of the House.

ANNUITABLE SERVICE UNDER THE CIVIL SERVICE RETIREMENT ACT

(Mrs. ROGERS of Massachusetts asked and was given permission to address the House for 1 minute and to include a bill.)

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have introduced a bill, H. R. 2090, which provides that those working in the House of Representatives at the present time and who have rendered service for Members of Congress at a previous time but paid salary of the Members, may apply for retirement and be included in the Retirement Act on making the necessary back payments. This is a just bill, and I hope it will be passed. It is very hard to work side by side in an office with an employee who has the benefit of long-service contributions and retirement when one has had equally long service but cannot get full retirement benefits because the Member paid him or her in a time from his salary—it makes for great bitterness. Not many would be involved. All kinds of retirement benefits have passed, including those employed by the States. Please, oh please, pass this and right a great injustice. Millions and millions of dollars have been spent in civil-service benefits this year. I cannot understand the failure of this bill.

THE LATE HONORABLE RICHARD B. VAIL

The SPEAKER. The Chair recognizes the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Speaker, it is my sad duty to announce the passing in the city of Chicago on July 29 of the Honorable Richard B. Vail, who represented the 2d District of Illinois in the 80th and 82d Congresses. Funeral services will be held on Monday. Mr. Vail was born on August 31, 1895, on the South Side of Chicago, which later he represented in the Congress of the United States and in which his father and grandfather had been pioneer residents.

When World War I broke out he was a student in John Marshall Law School. He laid aside his books to enlist in the service of his country and became a lieutenant of infantry. In World War II, he was chairman of the selective service appeals board and a member of the War Labor Board. He generously endowed a service center on the South Side which will be remembered in warm appreciation by many servicemen of that period.

He was an active member of the American Legion giving to his own post not only the contribution of his devotion but also most generous financial aid enabling it to own one of the finest Legion homes in Chicago.

At the time of his death, Mr. Vail was board chairman of the Vail Manufacturing Co., the makers of wire specialties. His brother, Walter Vail, Jr., is the company president. To him and to the two sisters surviving, I extend my deepest sympathy in their great loss.

The Honorable Richard B. Vail will long be remembered as a man of deep

convictions and courage in championing that in which he believed. He was held in warm affection by a host of friends with many of whom he had grown up from boyhood.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Illinois. I yield.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am deeply grieved to learn of the death of Congressman Vail. He was on the Committee on Veterans' Affairs when I was chairman of the committee in the 81st Congress. He was an extremely fine, courageous, and extremely able gentleman and Member of Congress. The Congress passed a great deal of veterans' legislation in that session and he was always active in its passage. He will also be remembered for his great contribution in fighting un-American activities. My deepest sympathy goes to his family and friends and to the State of Illinois. We can ill afford to lose men of his caliber.

Mr. REED of Illinois. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Illinois. I yield.

Mr. REED of Illinois. Mr. Speaker, It is with deep regret and great sorrow that I learned of the sudden death of Richard B. Vail at the Presbyterian Hospital in Chicago on Friday, July 29.

We all remember his great services and untiring efforts in combating communism during his tenure as a Member of Congress when he served on the Committee on Un-American Activities. His utter fearlessness in taking a definite position in all controversial issues endeared him to all who had the privilege of serving with him.

Not only was he a faithful representative of his constituency but was active in many civic and charitable organizations benefitting mankind in his community. He will be sorely missed by the people of Illinois and the Members of this body.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Illinois. I yield.

Mr. HALLECK. Mr. Speaker, when I learned of the passing of Dick Vail it made me very, very sad. I shall always remember him as one of the finest, friendliest and nicest Members of the House that I have known in my time in the House of Representatives. With all of that, Mr. Speaker, he was an able and effective Member of this body. His service will always be remembered by us. It is a service that has been useful to the State and to the country. I am, indeed, sorry to learn of his passing and to his loved ones, I extend my deepest sympathy.

Mrs. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Illinois. I yield.

Mrs. CHURCH. Mr. Speaker, I was shocked and saddened this morning on learning of the passing of Dick Vail. I know of no Member of the House who was so generous in his friendship and so unflinching in the good cheer that he gave every day. I am thinking tonight of the sisters in particular to whom he was more than the usual good brother. I wish

to extend to them and to his brother my deepest sympathy. I would like to think of Dick Vail as he came through the door with a smile on his face and with his shoulders set back, ready to battle for the things in which he believed. I know of no man in the House who more thoroughly showed at all times the courage of his convictions. I know what his loss will mean to his many friends in his district. I, as well as the many Members of the House who were privileged to call him friend, will miss him.

Mr. McVEY. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Illinois. I yield.

Mr. McVEY. Mr. Speaker, I wish to join with my colleagues in lamenting the passing of my good friend, Richard Vail. It was my privilege while he was a Member of the House to become very well acquainted with Mr. Vail.

I can say without reservation that I have never found anyone more thoroughly devoted to those principles that have made this country great than was Mr. Vail. In his passing we have lost a wonderful American.

I wish to extend my deepest sympathy to the remaining members of his family.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks on the life and public service of Mr. Vail.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CORRECTION OF ROLL CALL

Mr. RABAUT. Mr. Speaker, on roll-call 136 of July 28 I am not recorded. I was present and answered to my name. I ask unanimous consent that the Journal and RECORD may be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NORTH AMERICAN AIRLINES

(Mr. ROONEY asked and was given permission to address the House for 15 minutes.)

Mr. ROONEY. Mr. Speaker, on July 1 the Civil Aeronautics Board issued an order revoking the operating authority of North American Airlines, the company which originally introduced air coach to American aviation, a company with a perfect safety record. This action comes as the culmination of a many-year effort to banish this airline. The carrier was charged with flying too frequently and regularly, allegedly in violation of its temporary operating authority.

In the words of one of the carriers' executives, James Fischgrund:

We are evidently guilty of flying too many people too often, too cheaply, and doing this profitably without any subsidy from the Government.

In the light of all the facts, I should like to issue this warning: that the elim-

ination or the crippling of North American will result in a general increase in the cost of airline transportation. Fares will go up once the air-coach pioneer is put out of business.

There has been a tremendous impatience in certain quarters to get North American on the ground and let fares go sky high. This is why cease-and-desist orders curtailing North American are cause for celebration among the high-fare, subsidy-minded carriers, while a genuine cause of worry to the traveling public.

For years the major airlines have resisted any investigation of passenger rates. In the entire history of the CAB there has never been a fare investigation. Some years ago the Board voted to hold such an investigation, and then, under pressure from the industry, the Board reversed itself and called off the rate investigation. Thus, there still has been no study or analysis of passenger fares, from which the industry derives 90 percent of its revenue.

North American has been the pace setter in low fares. It provides the yardstick, because its rate of 3.2 cents per mile is based on realistic costs. There is no mail pay, and if the company goes into the red it cannot fall back on subsidy. Therefore its rates have become a practical criterion and we find major airlines fares closely parallel those of North American on those segments where North American also offers service. On segments where there is no independent competition, the rates are substantially higher.

In 1953 a majority of the Board permitted all carriers to arbitrarily up their fares by \$1 per ticket. Two members of the CAB, Josh Lee and Joseph Adams, dissented on the grounds that there was no supporting evidence of any need. This capricious increase costs the public \$30 million annually.

We now have considerable talk in the industry of a further fare increase, despite the fact that the financial picture for most of the major airlines has been exceptionally good in recent years. The claim is that costs have been rising, therefore fares should go up. This, despite the fact that the industry is the fastest growing in the country and is evolving away from the exclusive, luxury concept into a mass consumer industry.

The only thing that stands in the way of an arbitrary fare increase is North American. Although this company is relatively small, it has pursued a policy of national advertising which has educated the public to the idea of \$99 fares for transcontinental travel and similar low rates on shorter runs. As long as there is one company which insists on low fares, and high utilization of equipment, the rest of the industry must follow. Large volume at a small profit is the keystone of American abundance—this was North American's contribution to aviation.

For this reason, Mr. Speaker, I fear any steps to hobble or curtail North American will have industrywide repercussions which will ultimately cost the

traveling public millions of dollars in additional fares.

This will be the major effect of the CAB's move to kill this company. I should like to know any beneficial results that come from banishing the one independent company which survives in passenger air transportation, and which bases its business success not on charging what the traffic will bear but rather on the basis of attracting the greatest number of customers.

I know all of the negative consequences of grounding this company: the effect on fares, the elimination of the one company that might possibly win a certificate for permanently supplying air coach, the tightening of monopoly control on aviation. But I fail to see any specific good, or gain to the traveling public, to the taxpayer, or to the national defense by killing off an enterprise that has shown great creative ingenuity, that has stood on its own feet financially, that has a perfect safety record, and that has tried and is trying to be certificated to provide the kind of air transportation which the great mass of the American people seek and require. In the eyes of the CAB, self-reliance appears to be a crime punishable by death.

Obviously, the only ones who want to see a company like this eliminated are those special interests which regard subsidy as sacred, and who believe that the air belongs exclusively to the grandfather carriers and think of any newcomer as a trespasser.

Mr. Speaker, this is most serious. I am impelled to say these things so that we will be alert to developments now in the making. Too often administrative agencies have waited for Congress to recess to perform some objectionable and irrevocable act.

I should like to urge that the Committee on Interstate and Foreign Commerce move swiftly and directly and examine the entire policy of the Board as regards fares, competition, right of entry, subsidy, and development of air coach. Above all, Congress should be advised as to whether the Civil Aeronautics Act is being administered fully and intelligently by the CAB. We know that the Board has been extremely conscientious about enforcing its so-called "economic regulations," those special rules which it has used to revoke the small veteran enterprises and which are now being used to strangle North American. Has the Board been acting merely as the protective arm for the chosen few grandfather carriers, or has it been concerned with the development of dynamic public service industry? I urge that the distinguished Interstate and Foreign Commerce Committee be especially vigilant.

After all, the day when air travel was merely a frill for the wealthy and for those who traveled on lush expense accounts is over. Today it is a major means of interrurban travel for all citizens. The hothouse days are over—today one-third of all air travel is by air-coach, thanks to North American. Any attempts by the CAB to hold back dynamic new enterprise must be prevented. The country needs all of the

safe, sound, and economical air service it can get. We are entitled to know what the real effect of the CAB's policies are in this respect.

COMMITTEES OF CONFERENCE

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that the committees of conference on the bills H. R. 100 and H. R. 6373 may have until midnight tonight to file conference reports.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MINING, DEVELOPMENT, AND UTILIZATION OF MINERAL RESOURCES OF PUBLIC LANDS WITHDRAWN OR RESERVED FOR POWER DEVELOPMENT

Mr. ENGLE submitted the following conference report and statement:

CONFERENCE REPORT (H. REPT. No. 1610)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 100) to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

CLAIR ENGLE,
WAYNE N. ASPINALL,
WALTER ROGERS,
JOHN P. SAYLOR,
CLIFTON YOUNG,

Managers on the Part of the House.

CLINTON P. ANDERSON,
JOSEPH C. O'MAHONEY,
W. KERR SCOTT,
THOMAS H. KUCHEL,
BARRY GOLDWATER,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 100) permitting the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to the amendments to the bill:

The Senate amendments, which are numbered 1 to 6 consecutively for easy reference are as follows:

1. Lines 5 and 6, page 1, insert the word "heretofore" between "States" and "Now".
2. Line 5, page 1, insert the letter "(a)" after "SEC. 2".
3. Line 7, page 1, strike out "by statutory rights".
4. Line 7, page 2 after "second session)" strike out the period and insert a colon and the following:

"And provided further, That nothing contained herein shall be construed to open for the purposes described in this section any lands (1) which are included in any project operating or being constructed under a license or permit issued under the Federal Power Act or other Act of Congress, or (2) which are under examination and survey by

a prospective licensee of the Federal Power Commission, if such prospective licensee holds an uncanceled preliminary permit issued under the Federal Power Act authorizing him to conduct such examination and survey with respect to such lands and such permit has not been renewed in the case of such prospective licensee more than once.

"(b) The locator of a placer claim under this Act, however, shall conduct no mining operations for a period of 60 days after the filing of a notice of location pursuant to section 4 of this Act. If the Secretary of the Interior, within 60 days from the filing of the notice of location, notifies the locator by registered mail of the Secretary's intention to hold a public hearing to determine whether placer mining operations would substantially interfere with other uses of the land included within the placer claim, mining operations on that claim shall be further suspended until the Secretary has held the hearing and has issued an appropriate order. The order issued by the Secretary of the Interior shall provide for one of the following: (1) a complete prohibition of placer mining; (2) a permission to engage in placer mining upon the condition that the locator shall, following placer operations, restore the surface of the claim to the condition in which it was immediately prior to those operations; or (3) a general permission to engage in placer mining. No order by the Secretary with respect to such operations shall be valid unless a certified copy is filed in the same State or county office in which the locator's notice of location has been filed in compliance with the United States mining laws.

"The Secretary shall establish such rules and regulations as he deems desirable concerning bonds and deposits with respect to the restoration of lands to their condition prior to placer mining operations. Moneys received from any bond or deposit shall be used for the restoration of the surface of the claim involved and any money received in excess of the amount needed for the restoration of the surface of that claim shall be refunded.

"(c) Nothing in this Act shall affect the validity of withdrawals or reservations for purposes other than power development."

5. Line 13, page 3, after word "reservation", strike out the period and insert a colon and the following:

"Provided, That nothing in this Act shall be construed to limit or restrict the rights of the owner or owners of any mining claim who are diligently working to make a discovery of valuable minerals at the time any future withdrawal or reservation for power development is made."

6. Starting with line 20, page 3, strike out all of section 7.

EXPLANATION OF AMENDMENTS

Amendments 1, 2, and 3 are perfecting in nature.

Amendment 4 serves a dual purpose: Language in the form of a proviso has been added to the first paragraph of section 2 in response to a suggestion of the Federal Power Commission. Its purpose is to protect the rights and interests of holders of outstanding valid operational, construction, and preliminary licenses or permits authorized by law on lands previously withdrawn for power purposes or power sites.

In addition, language has been adopted in the form of a new subsection added to section 2 affecting placer-mining claims which may be located on lands opened to mining entry by H. R. 100. The House managers agree that the Secretary of the Interior should be advised immediately when placer claims are initiated since serious conflict frequently arises between mining activity and other lands uses when placer mining and dredging operations are involved, as this amendment provides. The language adopted would give to the Secretary authority in the

case of placer-mining claims to hold public hearings to determine whether placer-mining operations in the areas would be detrimental to other uses of the lands. When necessary, the Secretary may require the locators of placer-mining claims to execute bonds or undertakings to the United States or to make deposits of money to assure restoration of the lands to their former condition. If the locators or their sureties fail to restore the lands, the deposits or bonds should be forfeited and the receipts obtained made immediately available for restoration of the lands by the Secretary.

Amendment 5 adds a proviso to section 5, with an aim of protecting rights of a mining claim owner diligently working to make a discovery of valuable minerals at the time of any future power withdrawal or reservation.

Amendment 6, which deletes section 7 of the House version of the bill, came about after careful consideration and recognition of the fact that its retention might seriously prejudice chances of final passage. Managers concluded that its retention would inevitably result in little or no development of mineral resources on unsurveyed lands, and very substantial title complications. Your conferees are fully sympathetic with the problems of States unable to utilize school-grant lands guaranteed them by their enabling acts simply because survey has not been completed. It is believed, however, that separate legislation should be developed to deal with this question.

CLAIR ENGLE,
WAYNE N. ASPINALL,
WALTER ROGERS,
JOHN P. SAYLOR,
CLIFTON YOUNG,

Managers on the Part of the House.

ENCOURAGING THE DISCOVERY, DEVELOPMENT, AND PRODUCTION OF CERTAIN DOMESTIC MINERALS

Mr. ENGLE submitted the following conference report and statement.

CONFERENCE REPORT (H. REPT. No. 1611)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6373) to amend the Domestic Minerals Program Extension Act of 1953 in order to extend the programs to encourage the discovery, development, and production of certain domestic minerals, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments and agree to the same.

CLAIR ENGLE,
WAYNE N. ASPINALL,
WALTER ROGERS,
JOHN P. SAYLOR,
CLIFTON YOUNG,

Managers on the Part of the House.

JAMES E. MURRAY,
W. KERR SCOTT,
By JAMES E. MURRAY,
JOSEPH C. O'MAHONEY,
GEORGE W. MALONE,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6373) amending the Domestic Minerals Program Extension Act of 1953 in order to extend the programs to encourage the discovery, development, and production of certain domestic minerals, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompany-

ing conference report as to the amendments to the bill:

The conference agreement accepts the bill as it passed the House. It is believed by your conferees that the dollar limitation provided in the bill for additional gross purchase transactions would prove inadequate for the carefully considered programs if the Senate amendments were adopted.

CLAIR ENGLE,
WAYNE N. ASPINALL,
WALTER ROGERS,
JOHN P. SAYLOR,
CLIFTON YOUNG,

Managers on the Part of the House.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted to:

Mr. PATMAN to revise and extend the remarks he made in the Committee of the Whole this afternoon and include extraneous matter.

Mr. BECKER to extend his remarks on H. R. 3255 immediately following Mr. LESINSKI.

Mr. WICKERSHAM.

Mr. DODD.

Mr. MATTHEWS.

Mr. DORN of South Carolina in three instances and to include articles.

Mr. JARMAN.

Mr. VANIK in two instances.

Mr. SMITH of Mississippi in five instances.

Mr. MULTER in five instances.

Mr. KILDAY in three instances, and to include extraneous matter.

Mr. THORNBERRY (at the request of Mr. KILDAY) and to include an editorial.

Mr. DURHAM (at the request of Mr. PRICE) and to include newspaper articles.

Mr. BOLAND at that point immediately preceding the vote on the bill, Consent Calendar No. 328.

Mr. LANE in five instances, and to include extraneous matter.

Mr. RIVERS (at the request of Mr. BOYKIN).

Mr. STAGGERS (at the request of Mr. SIKES).

Mr. SIKES and to include a statement by General Ridgway, notwithstanding that it will exceed two pages of the RECORD and is estimated by the Public Printer to cost \$187.

Mr. FLOOD in two instances, and to include extraneous matter.

Mr. RHODES of Pennsylvania in two instances.

Mr. ZABLOCKI in two instances.

Mr. MACHROWICZ and to include extraneous matter.

Mr. CARNAHAN and to include extraneous matter.

Mr. TUMULTY in five instances and to include extraneous matter.

Mr. JONES of Missouri in two instances.

Mr. JOHANSEN in four instances.

Mr. MILLER of Nebraska.

Mr. JUDD in two instances and to include extraneous matter.

Mr. WIGGLESWORTH in three instances and to include extraneous matter.

Mr. SCHENCK and to include a letter.

Mr. HARRISON of Nebraska (at the request of Mr. SCHWENGEL).

Mr. SCHWENGEL in three instances, and in one to include the remarks of the President of the University of Iowa, not-

withstanding the fact that they will exceed two pages of the RECORD and are estimated by the Public Printer to cost \$267.

Mr. HYDE and to include a letter.

Mr. BROWNSON in three instances and to include extraneous matter.

Mr. LAIRD, to extend his remarks immediately following final action on the sugar bill.

Mr. BRAY in two instances and to include extraneous matter.

Mr. FORD.

Mr. MINSHALL and to include an editorial.

Mr. YOUNG in five instances and to include extraneous matter.

Mr. SPRINGER and to include extraneous matter.

Mr. MAILLIARD.

Mr. UTT in three instances and to include extraneous matter.

Mr. MERROW in two instances and to include an editorial in each.

Mr. BEAMER in five instances and to include extraneous matter.

Mr. McCULLOCH.

Mr. HAND.

Mr. ADAIR in three instances and to include extraneous matter.

Mr. REES of Kansas in two instances and to include extraneous matter.

Mr. DAVIS of Wisconsin in two instances, in one to insert a voting record and in the other extraneous matter.

Mr. HAGEN in five instances and to include extraneous matter.

Mrs. ROGERS of Massachusetts and to include a release from the Veterans' Administration.

Mr. UTT.

Mr. RABAUT.

Mr. YATES (at the request of Mr. PRIEST) and include extraneous matter.

Mr. COOLEY (at the request of Mr. PRIEST) and include extraneous matter.

Mr. FISHER (at the request of Mr. PRIEST) and include extraneous matter.

Mr. McDOWELL (at the request of Mr. PRIEST).

Mr. FLOOD (at the request of Mr. PRIEST) in two instances, in one to include extraneous matter.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KRUEGER (at the request of Mr. LOVRE) from July 28 to August 1, on account of illness.

Mr. CRETELLA, for August 1, on account of death in family.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 34. An act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases;

S. 665. An act to revive section 3 of the District of Columbia Public School Food Services Act;

S. 1138. An act to continue the effectiveness of the act of July 17, 1953 (67 Stat. 177), as amended, providing certain construction and other authority; and

S. 2171. An act to amend the Subversive Activities Control Act so as to provide that upon the expiration of his term a member of the Board shall continue to serve until his successor shall have been appointed and shall have qualified.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 291. An act to extend the retirement income tax credit to members of the Armed Forces;

H. R. 542. An act to amend the Internal Revenue Code;

H. R. 727. An act to authorize the conveyance of certain land to the Pecwan Union School District for use as the site of a school;

H. R. 898. An act to provide for the approval of deeds executed by the heirs of Anna Hollywood Pickz;

H. R. 910. An act to authorize and direct the sale of certain land in Alaska to John Ekonomos, of the Fairbanks Precinct, Alaska;

H. R. 929. An act for the relief of Laura Safir;

H. R. 999. An act for the relief of Nurith Spier;

H. R. 1159. An act for the relief of Anna Histed (nee Wiesneth);

H. R. 1160. An act for the relief of Vittorio Capano;

H. R. 1408. An act for the relief of Caterina Ruello;

H. R. 1976. An act for the relief of Luigi Tomasella;

H. R. 2788. An act for the relief of Miguel Sandoval-Michel (also known as Arturo Rodriguez-Gomez);

H. R. 2851. An act to make corn meal and wheat flour available to needy persons;

H. R. 3437. An act to amend the Internal Revenue Code of 1954 to provide for a maximum manufacturers' excise tax on the leases of certain automobile utility trailers;

H. R. 3587. An act granting the consent of the Congress to the negotiation of a compact relating to the waters of the Klamath River by the States of Oregon and California;

H. R. 3626. An act for the relief of Ilse Werner;

H. R. 3712. An act to extend the period during which claims for floor stocks refunds may be filed with respect to certain manufacturers' excise taxes which were reduced by the Excise Tax Reduction Act of 1954;

H. R. 3822. An act to amend title V of the Agricultural Act of 1949, as amended;

H. R. 3856. An act for the relief of Leopoldine Simonetti;

H. R. 3956. An act for the relief of Elizabeth Rotics Whitney;

H. R. 3990. An act to authorize the Secretary of the Interior to investigate and report to the Congress on projects for the conservation, development, and utilization of the water resources of Alaska;

H. R. 4718. An act to authorize and direct the issuance of patent to Robert W. Retherford, of Anchorage, Alaska, to certain land in Alaska;

H. R. 4970. An act for the relief, of Edeltaud Margot Gallagher, nee Hackelberg;

H. R. 5080. An act for relief of Florence E. McConnell;

H. R. 5767. An act for the relief of Sally S. Shulman or Zell Sholman;

H. R. 5936. An act to provide wage credits under title II of the Social Security Act for military service before April 1956, and to permit application for lump-sum benefits

under such title to be made within 2 years after interment or reinterment in the case of servicemen dying overseas before April 1956;

H. R. 6002. An act for the relief of Helene Rapp;

H. R. 6036. An act for the relief of Mrs. Florentine Kintzel;

H. R. 6886. An act to amend the act of October 19, 1949, entitled "An act to assist States in collecting sales and use taxes on cigarettes";

H. R. 6896. An act for the relief of Luisa Guidi Miller;

H. R. 7148. An act to amend the Internal Revenue Codes so as to provide a personal exemption with respect to certain dependents in the Republic of the Philippines;

H. R. 7224. An act making appropriations for mutual security for the fiscal year ending June 30, 1956, and for other purposes; and

H. R. 7301. An act to amend the Rubber Producing Facilities Disposal Act of 1953, as heretofore amended, so as to permit the disposal thereunder of Plancor No. 980 at Institute, W. Va.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 38 minutes p. m.) the House, pursuant to its previous order, adjourned until Monday, August 1, 1955, at 10 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1055. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Veterans' Administration for "General operating expenses," for the fiscal year 1956, has been apportioned on a basis which indicates a necessity for a supplemental estimate of appropriation, pursuant to paragraph 2 of subsection (e) of section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

1056. A letter from the Commissioner, Immigration and Naturalization Service, United States Department of Justice, transmitting relative to the case of Mei Chio Chen, A-6967742, involving the provisions of section 4 of the Displaced Persons Act of 1948, as amended, and requesting that the case be withdrawn from those before the Congress and returned to the jurisdiction of this Service; to the Committee on the Judiciary.

1057. A letter from the Commissioner, Immigration and Naturalization Service, United States Department of Justice, transmitting copies of orders granting the applications for permanent residence filed by the subjects, pursuant to section 4 of the Displaced Persons Act of 1948, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MURRAY of Tennessee: Committee on Post Office and Civil Service supplemental

of program to the national defense, he shall withdraw his approval in accordance with subsection (d) of this section. This review and determination shall be made within 90 days after the enactment of the Defense Production Act Amendments of 1955.”;

(2) by inserting in subsection (d) thereof after the word “hereunder” the following: “, or upon withdrawal by the Attorney General of his approval of the voluntary agreement or program on which the request or finding is based.”;

(3) by inserting after the first sentence of subsection (e) thereof the following new sentence: “Such surveys, and the reports hereafter required, shall include studies of the voluntary agreements and programs authorized by this section.”;

(4) by striking out from the last sentence of subsection (e) thereof the words “at such times thereafter as he deems desirable” and inserting in lieu thereof the words “at least once every 3 months.”

SEC. 4. Section 710 (b) of the Defense Production Act of 1950, as amended, is amended to read as follows:

“(b) (1) The President is further authorized, to the extent he deems it necessary and appropriate in order to carry out the provisions of this act, and subject to such regulations as he may issue, to employ persons of outstanding experience and ability without compensation;

“(2) The President shall be guided in the exercise of the authority provided in this subsection by the following policies:

“(1) So far as possible, operations under the act shall be carried on by full-time, salaried employees of the Government, and appointments under this authority shall be to advisory or consultative positions only.

“(ii) Appointments to positions other than advisory or consultative may be made under this authority only when the requirements of the position are such that the incumbent must personally possess outstanding experience and ability not obtainable on a full-time, salaried basis.

“(iii) In the appointment of personnel and in assignment of their duties, the head of the department or agency involved shall take steps to avoid, to as great an extent as possible, any conflict between the governmental duties and the private interests of such personnel.

“(3) Any person appointed under the authority of this subsection shall file, under oath, with the head of the employing agency at the time of employment a full and complete report of his outside connections, listing all personal and financial relationships which he has or had within 12 months prior to his appointment with any person, firm, corporation, or other entity, or any trade organization, labor union or similar organization, and he shall file monthly thereafter, under oath, so long as his appointment shall be in effect, any changes in such outside connections.

“(4) Appointees under this subsection (b) shall, when policy matters are involved, be limited to advising appropriate full-time salaried Government officials who are responsible for making policy decisions.

“(5) Any person employed under this subsection (b) is hereby exempted, with respect to such employment, from the operation of sections 281, 283, 284, 434, and 1914 of title 18, United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99), except that—

“(i) exemption hereunder shall not extend to the negotiation or execution, by such appointee, of Government contracts with the private employer of such appointee or with any corporation, joint stock company, association, firm, partnership, or other entity in the pecuniary profits or contracts

of which the appointee has any direct or indirect interest;

“(ii) exemption hereunder shall not extend to making any recommendation or taking any action with respect to individual applications to the Government for relief or assistance, on appeal or otherwise, under the provisions of the act made by the private employer of the appointee or by any corporation, joint stock company, association, firm, partnership, or other entity in the pecuniary profits or contracts of which the appointee has any direct or indirect interest;

“(iii) exemption hereunder shall not extend to the prosecution by the appointee, or participation by the appointee in any fashion in the prosecution, of any claims against the Government involving any matter concerning which the appointee had any responsibility during his employment under this subsection, during the period of such employment and the further period of 2 years after the termination of such employment; and

“(iv) exemption hereunder shall not extend to the receipt or payment of salary in connection with the appointee's Government service hereunder from any source other than the private employer of the appointee at the time of his appointment hereunder.

“(6) Appointments under this subsection (b) shall be supported by written certification by the head of the employing department or agency—

“(i) that the appointment is necessary and appropriate in order to carry out the provisions of the Act;

“(ii) that the duties of the position to which the appointment is being made require outstanding experience and ability;

“(iii) that the appointee has the outstanding experience and ability required by the position; and

“(iv) that the department or agency head has been unable to obtain a person with the qualifications necessary for the position on a full-time, salaried basis.

“(7) The heads of the departments or agencies making appointments under this subsection (b) shall file with the Division of the Federal Register a statement including the name of the appointee, the employing department or agency, the title of his position, and the name of his private employer.

“(8) At least once every 3 months the Chairman of the United States Civil Service Commission shall survey appointments made under this subsection and shall report his findings to the President and the Joint Committee on Defense Production and make such recommendations as he may deem proper.”

SEC. 5. Section 712 of the Defense Production Act of 1950, as amended, is amended—

(1) by striking out “25” from the second sentence of subsection (c) thereof and inserting in lieu thereof “40”; and

(2) by striking out “\$50,000” in the first sentence of subsection (e) thereof and inserting in lieu thereof “\$65,000”.

SEC. 6. Section 717 of the Defense Production Act of 1950, as amended, is amended by striking out “July 31, 1955” from the first sentence of subsection (a) thereof and inserting in lieu thereof “June 30, 1956”.

Mr. FULBRIGHT. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. DOUGLAS, Mr. MORSE, Mr. CAPEHART, and Mr. BRICKER conferees on the part of the Senate.

DEVELOPMENT OF MINERAL RESOURCES OF CERTAIN PUBLIC LANDS—CONFERENCE REPORT

Mr. ANDERSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 100) to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 100) to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

CLINTON P. ANDERSON,
JOSEPH C. O'MAHONEY,
W. KERR SCOTT,
THOMAS H. KUCHEL,
BARRY GOLDWATER,

Managers on the Part of the Senate.

CLAIR ENGLE,
WAYNE N. ASPINALL,
WALTER ROGERS,
JOHN P. SAYLOR,
CLIFTON YOUNG,

Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

THE CALENDAR

The PRESIDING OFFICER. Pursuant to the order previously entered, the next order of business is the call of the calendar for the consideration of measures to which there is no objection, beginning with Calendar 1429, Senate bill 65.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT OF 1930, AS AMENDED

The bill (S. 65) to amend section 1 (d) of the Civil Service Retirement Act of May 29, 1930, as amended, was announced as first in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PURTELL. Mr. President, reserving the right to object, I should like to inquire whether or not the views of the Civil Service Commission were sought in regard to this piece of proposed legis-

lation, and if so, what the views of the Civil Service Commission are.

Mr. JOHNSTON of South Carolina. Mr. President, I will answer that question by saying that the views of the Civil Service Commission were not received.

When special retirement legislation for all Government investigatory personnel was under consideration in the 80th Congress, the Civil Service Commission suggested that the bill be amended to include "persons engaged in the detention of criminals, such as prison guards." Since enactment of this language, the term "detention" has in practice been limited to include only "custodial officers within prison walls."

S. 65, by redefining "detention," will expressly include (a) field-service personnel of the Bureau of Prisons, Federal Prison Industries, Incorporated, and employees of Public Health Service assigned to such field service, and (b) other employees of the Bureau of Prisons and of Prison Industries, Incorporated, who have direct contact with persons in detention. All such employees will thus be entitled to retirement on the same basis as other groups of investigatory personnel under section 1 (d) of the Civil Service Act, as amended, which is the right to retire after reaching age 50 with at least 20 years of service.

Mr. PURTELL. I thank the Senator from South Carolina. My inquiry was occasioned by lack of information available to the committee at the time the bill was under study.

Mr. JOHNSTON of South Carolina. This statement is made to clarify the dispute as to what "detention" means.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 65) to amend section 1 (d) of the Civil Service Retirement Act of May 29, 1930, as amended, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 1 (d) of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by adding the following: "The word 'detention' as used in this subsection shall be construed to include the duties of all officers and employees in the field service of the Bureau of Prisons, Federal Prison Industries, Inc., and officers and employees of the Public Health Service assigned to such field service, and all other officers and employees of the Bureau of Prisons and Federal Prison Industries, Inc., whose duties in connection with persons in detention suspected or convicted of offenses against the criminal laws of the United States, of the District of Columbia, and the punitive articles of the Uniform Code of Military Justice, involve direct contact with such persons in their direction, supervision, inspection, training, or employment."

DECLARING A PORTION OF WATERWAY AT WEST HAVEN, CONN., A NONNAVIGABLE STREAM

The bill (S. 2514) to declare the portion of the waterway of West Haven and New Haven, Conn., known as the West River, northerly of a line running north

85 degrees 54 minutes 43.5 seconds east, from a point whose coordinates in the Corps of Engineers Harbor Line System are north 4,616.76 and west 9,450.80 a nonnavigable stream was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the portion of the waterway in which is located the West River in the town of West Haven, Conn., and the city of New Haven, Conn., lying northerly of a line extending north 85 degrees 54 minutes 43.5 seconds east, from a point (1,158.535 feet from the most westerly corner of the existing bulkhead and pier line) whose coordinates in the Corps of Engineers Harbor Line System are north 4,616.76 and west 9,450.80, is hereby declared to be a nonnavigable water of the United States within the meaning of the Constitution and laws of the United States.

SEC. 2. The line hereinbefore described shall be established as a combined pierhead and bulkhead line of the West River.

SEC. 3. Any project heretofore authorized by an act of Congress, insofar as such project relates to the above-described portion of the West River, is hereby abandoned.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

A GOLD MEDAL FOR DR. JONAS E. SALK

The joint resolution (H. J. Res. 278) to provide that a gold medal be coined and presented to Dr. Jonas E. Salk in honor of his achievements in the field of medicine was considered, ordered to a third reading, read the third time, and passed.

WILLIAM E. RYAN

The bill (H. R. 4410) for the relief of William E. Ryan was considered, ordered to a third reading, read the third time, and passed.

MARGARET MARY HAMMOND

The Senate proceeded to consider the bill (H. R. 3024) for the relief of Margaret Mary Hammond, which had been reported from the Committee on Labor and Public Welfare with an amendment on page 2, line 7, after the word "act", to insert a colon and "Provided, That no benefits shall accrue by reason of the enactment of this act for any period prior to its enactment, except in case of such medical or hospital expenditures as may be deemed reimbursable."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELZIE C. BROWN

The Senate proceeded to consider the bill (H. R. 4763) for the relief of Elzie C. Brown which had been reported from the Committee on Labor and Public Welfare with an amendment, on page 1, line 10, after the word "received", to insert "on or about Thanksgiving of 1945."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

QUITCLAIM DEED TO CERTAIN LAND TO THE STATE OF TEXAS

The bill (H. R. 593) to convey by quitclaim deed to certain land to the State of Texas, was considered, ordered to a third reading, read the third time, and passed.

PAYMENT OF WITNESSES

The resolution (S. Res. 143) amending the rule relating to the payment of witnesses was considered and agreed to, as follows:

Resolved, That the rule of paying witnesses summoned to appear before the Senate or any of its committees shall be as follows: For each day a witness shall attend, not to exceed \$12, and not to exceed \$12 for each day spent in traveling to or from the place of examination by the usual route. A witness shall also be entitled to be reimbursed his necessary expenses for traveling to and from the place of examination, in no case to exceed the sum of 10 cents a mile for the distance by him actually traveled for the purpose of appearing as a witness.

INSTALLATION OF SEWERAGE SYSTEM IN CONNECTION WITH GLENDO DAM AND RESERVOIR

The Senate proceeded to consider the bill (S. 2339) to authorize the Secretary of the Interior to include capacity to serve the town of Glendo, Wyo., in a sewerage system to be installed in connection with the construction of Glendo Dam and Reservoir, and for other purposes which had been reported from the Committee on Interior and Insular Affairs, with amendments on page 2, line 10, after the word "States", to insert "without cost to the United States"; in line 14, after the word "States", to insert "without cost to the United States"; and on page 3, line 6, after the word "States", to strike out "and contingent on appropriations being made which are available therefor, the United States will pay for the water used by it at reasonable and nondiscriminatory rates fixed by the town of Glendo and approved by the Public Service Commission of the State of Wyoming", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized, in connection with the installation of a sewerage system to serve the Government construction camp and housing facilities at Glendo Dam and Reservoir (68 Stat. 486) and upon the terms and conditions hereinafter set forth, to install sufficient capacity to serve also the town of Glendo, a municipal corporation of the State of Wyoming, and to transfer all right, title, and interest of the United States in and to said system (including necessary rights-of-way) to said town. The total capacity of said system shall not exceed that required to serve 500 persons and no commitment between the United States and the town with respect to the construction thereof shall require the expenditure of more than \$75,000. The terms and conditions of this authorization are that the town shall have—

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued August 2, 1955

For actions of August 1, 1955

84th-1st, No. 131

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

CONTENTS

Annuities.....28	Flood control.....35	Property.....50
Appropriations.....5	Food additives.....13	Reclamation.....10,41,47
Auditorium.....16	Forests.....17,22	Reorganization.....14,38
Banking and currency...7,8	Housing.....21	Research.....18,25,50
Budget.....19	Insurance.....28	Retirement.....28
CCC.....1	Labor, farm.....48	Roads.....43,49
Conservation.....22,39	Lands, public.....6	Security.....40
Dairy industry.....15,42	Leave, annual.....40	Suffrage.....28
Defense production.....29	Legislative program.....33	Sugar.....20
Economic development...23	Loans, farm.....2,21,27	Textiles.....11,45
Education.....18	Low income farmers.....24	Tobacco.....3,46
Electrification...32,41,47	Marketing.....26	Trade, foreign.....7
Experiment stations.....25	Pay, executive.....28	Travel allowances.....51
Extension work.....24	Personnel.....4,28,30,40,51	Water compact.....9,44
Fertilizer.....37	Prices, farm.....12	Wheat, CCC.....34
Flammable fabrics.....11	grain.....12,31	Wildlife conservation 34,36

For Highlights see page 7.

HOUSE

1. CCC BORROWING POWER. Passed without amendment S. 2604, to increase the borrowing power of CCC from \$10 billion to \$12 billion (pp. 10980-1). This bill will now be sent to the President.
2. FARM CREDIT. Concurred in the Senate amendment to H. R. 5168, to provide for retirement of the Government capital in certain institutions operating under FCA supervision and to increase borrower participation in the management and control of the Federal Farm Credit System (p. 11016). This bill will now be sent to the President.
3. TOBACCO. Passed without amendment S. 2295, to provide that, in establishing farm acreage allotments for burley tobacco crops for 1956, 1957, and 1958, the acreage allotment for any farm which has not been retired from agricultural production shall not be reduced below the acreage allotment which would otherwise be established unless the acreage harvested was less than 50% of the allotted acreage in each of the preceding 5 years, in which event it shall not be reduced to less than the largest acreage harvested in any year in such 5-year period (p. 11024). This bill will now be sent to the President.

4. PERSONNEL. Agreed to H. Res. 305, to make available \$75,000 to the Post Office and Civil Service Committee for investigations of personnel administration, etc. (p. 10955).
5. APPROPRIATIONS. Passed without amendment H. J. Res. 434, to continue at the existing rate legislative appropriations for the fiscal year 1956, in view of the conferees' disagreement regarding H. R. 7117, the regular legislative appropriation bill (pp. 11028-9).
6. PUBLIC LANDS; MINING. Agreed to the conference report on H. R. 100, to permit the mining, development, and utilization of the mineral resources of all public land withdrawn or reserved for power development (p. 10952). This bill will now be sent to the President.
Concurred in the Senate amendment to H. R. 6994, to provide for entry and location, on discovery of a valuable source material, upon public lands classified as or known to be valuable for coal (p. 10954). This bill will now be sent to the President.
7. INTERNATIONAL FINANCE CORPORATION. Passed without amendment S. 1894, to provide for U. S. participation in the International Finance Corporation (pp. 10962-5). This bill will now be sent to the President.
8. BANKING AND CURRENCY. Passed without amendment S. 1189, to permit national banks to make 20-year real estate loans and 9-month residential construction loans (pp. 10965-6). This bill will now be sent to the President.
Rep. Patman criticized administration of the Federal Reserve System and the office of the Comptroller of the Currency (pp. 11036-8).
9. WATER COMPACT. Passed without amendment S. 730, consenting to a compact between Kans. and Okla. regarding Ark. River waters (p. 11011). This bill will now be sent to the President.
10. RECLAMATION. Both Houses received a message from the President stating that he had approved H. R. 103, to provide for construction of distribution systems on authorized Federal reclamation projects by irrigation districts and other public agencies, but objecting to various provisions of the bill and recommending legislation to change these provisions (H. Doc. 223); to Interior and Insular Affairs Committees (pp. 11028, 10833-4).
11. FLAMMABLE FABRICS. Rejected, 46-108, a resolution for consideration of H. R. 5222, amending the Flammable Fabrics Act to exempt scarves which do not present an unusual hazard (pp. 11028-33).
12. FARM PRICES. Rep. Abernethy deplored the reductions in farm prices (p. 10953).
13. FOOD ADDITIVES. Rep. O'Hara, Minn., explained the revised bills, H. R. 7605 and 7606, to provide for regulation of chemical food additives (p. 11023).
14. REORGANIZATION. Rep. Patman criticized the recommendations and procedures of the Hoover Commission (pp. 11038-9).
15. DAIRY INDUSTRY. Rep. Laird commended the progress in getting rid of the dairy surplus and indicated his belief that the dairy industry has a good future (pp. 11039-40).
16. CIVIC AUDITORIUM. The Speaker appointed members to the commission to plan a civic auditorium in D. C. (p. 11028).

House of Representatives

MONDAY, AUGUST 1, 1955

The House met at 10 o'clock a. m.
The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Eternal and ever-blessed God, as we again come unto Thee in the fellowship of prayer, may we unite our hearts in the sacrament of adoration and thanksgiving.

May we always respond to Thy loving kindness and goodness in a spirit of fidelity and devotion.

Grant that our Speaker, our chosen Representatives, and all who have served our country in whatever capacity, during this session of the Congress, may receive the benediction of Thy praise.

We commend one another to Thy love and care and unto Him who is able to keep us in the paths of righteousness and to present us faultless before Thy presence, to the only wise God, our Saviour, be glory and majesty, dominion and power, both now and forever. Amen.

THE JOURNAL

The Journal of the proceedings of Saturday, July 30, 1955, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 482. An act to provide for the conveyance of a portion of the former O'Reilly General Hospital, Springfield, Mo., to the State of Missouri, and for other purposes;

H. R. 593. An act to convey by quitclaim deed certain land to the State of Texas;

H. R. 1423. An act for the relief of Raymond Rouxel Williams;

H. R. 1539. An act for the relief of Mrs. Ruthe Graves Messer;

H. R. 2112. An act to amend the act of February 21, 1946 (60 Stat. 26), to permit the retirement of temporary officers of the naval service after completion of more than 20 years of active service;

H. R. 2149. An act to increase the annual compensation of the Academic Dean of the United States Naval Postgraduate School;

H. R. 2553. An act to amend section 223 of the Revenue Act of 1950, relating to the use of corporation property by a shareholder;

H. R. 2559. An act to authorize male nurses and medical specialists to be appointed as Reserve officers;

H. R. 2619. An act to amend section 345 of the Revenue Act of 1951;

H. R. 3235. An act to provide for adjustments in the lands or interests therein acquired for the Demopolis lock and dam, Alabama, by the reconveyance of certain lands or interests therein to the former owners thereof;

H. R. 3275. An act for the relief of Richard Raffo Hanson;

H. R. 4394. An act to amend section 3401 of the Internal Revenue Code of 1954;

H. R. 4410. An act for the relief of William E. Ryan;

H. R. 4581. An act to amend the Internal Revenue Code of 1954 with respect to the tax on cutting oils;

H. R. 4663. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Trinity River division, Central Valley project, California, under Federal reclamation laws;

H. R. 4672. An act to increase the annuities of certain retired civilian members of the teaching staffs of the United States Naval Academy and the United States Naval Postgraduate School;

H. R. 5249. An act to amend the Internal Revenue Code of 1954 to provide for refund or credit of internal revenue taxes and custom duties paid on distilled spirits and wines lost, rendered unmarketable, or condemned by health authorities as a result of the hurricanes of 1954;

H. R. 5647. An act to repeal the manufacturers' excise tax on motorcycles.

H. R. 6066. An act authorizing modification of the project for flood protection on the San Joaquin River and tributaries, California;

H. R. 6122. An act to remit the duty on certain bells to be imported for addition to the carillons of The Citadel, Charleston, S. C.;

H. R. 6182. An act to amend the Federal Property and Administrative Services Act of 1949 to make temporary provision for making payments in lieu of taxes with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments;

H. R. 6417. An act to revive and reenact the act "authorizing the Arkansas-Mississippi Bridge Commission, its public successors or public assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark.," approved May 17, 1939;

H. R. 6585. An act to amend the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and for other purposes;

H. R. 6590. An act to prohibit the employment by the Government of the United States of persons who are disloyal or who participate in or assert the right to strike against the Government of the United States, and for other purposes;

H. R. 6600. An act to amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes;

H. R. 6727. An act to authorize the Administrator of Veterans' Affairs to convey certain land to the city of Milwaukee, Wis.;

H. R. 7018. An act to authorize subpoenas in connection with the enforcement of the narcotic laws, and for other purposes;

H. R. 7034. An act to provide permanent authority for the relief of certain disbursing officers, and for other purposes;

H. R. 7035. An act to amend section 1 of the act entitled "An act to authorize relief of accountable officers of the Government, and for other purposes," approved August 1, 1947 (61 Stat. 720);

H. R. 7095. An act to provide that the tax on admissions shall not apply to certain athletic events held for the benefits of the United States Olympic Association;

H. R. 7245. An act to amend Public Laws 815 and 874, 81st Congress, which provide for assistance to local educational agencies in areas affected by Federal activities, and for other purposes;

H. R. 7300. An act to amend the Internal Revenue Code of 1954 with respect to the tax treatment of income received from patent infringement suits;

H. R. 7628. An act to authorize the appointment in a civilian position in the White House office of Maj. Gen. John Stewart Bragdon, United States Army, retired, and for other purposes;

H. R. 7684. An act to authorize the Atomic Energy Commission to pay the salary of a Commissioner during the recess of the Senate, and for other purposes;

H. J. Res. 276. Joint resolution to authorize the Texas Hill Country Development Foundation to convey certain land to Kerr County, Tex.; and

H. J. Res. 278. Joint resolution to provide that a gold medal be coined and presented to Dr. Jonas E. Salk in honor of his achievements in the field of medicine.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H. R. 257. An act to amend section 112 (n) (8) of the Internal Revenue Code of 1939 to provide that in certain cases of a sale or exchange of a taxpayer's residence, certain periods of limitation shall not run against the taxpayer while he is on extended active duty in the Armed Forces;

H. R. 1459. An act to provide for the conveyance of a tract of land in Orange County, N. Y., to the village of Highland Falls, N. Y.;

H. R. 1496. An act for the relief of Leong Ding Foon Quon and Ken C. Quon;

H. R. 3024. An act for the relief of Margaret Mary Hammond;

H. R. 4508. An act for the relief of Henry T. Quisenberry;

H. R. 4763. An act for the relief of Elzie C. Brown;

H. R. 5168. An act to provide for retirement of the Government capital in certain institutions operating under the supervision of the Farm Credit Administration; to increase borrower participation in the management and control of the Federal farm credit system; and for other purposes;

H. R. 6263. An act to amend section 1233 of the Internal Revenue Code of 1954;

H. R. 6634. An act to provide for the conveyance of 1 $\frac{1}{10}$ acres of land, more or less, within the Grapevine Dam and Reservoir project to the city of Grapevine, Tex., for sewage-disposal purposes;

H. R. 6994. An act to provide for entry and location, on discovery of a valuable source

material, upon public lands of the United States classified as or known to be valuable for coal, and for other purposes;

H. R. 7289. An act to authorize the States to organize and maintain State defense forces, and for other purposes;

H. R. 7588. An act for the relief of Jane Edith Thomas; and

H. J. Res. 330. Joint resolution to provide for the acceptance and maintenance of Presidential libraries, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 65. An act to amend section 1 (d) of the Civil Service Retirement Act of May 29, 1930, as amended;

S. 125. An act for the relief of the State of Illinois;

S. 637. An act to provide for the conveyance of Camp Livingston, Camp Beauregard, and Esler Field, La., to the State of Louisiana, and for other purposes;

S. 792. An act for the relief of Spyros Nikolaou Lekatsas;

S. 1255. An act for the relief of Brigitta Poberetski;

S. 1415. An act for the relief of Anna Mertikas;

S. 1455. An act to amend the Flammable Fabrics Act to exempt from its application scarves which do not present an unusual hazard;

S. 1748. An act to authorize the appointment of Reserve midshipmen in the United States Navy, and for other purposes;

S. 1749. An act adopting and authorizing the improvement of Rockland Harbor, Maine.

S. 1959. An act to direct the Secretary of the Army or his designee to convey a six and eighty-nine one-hundredths acre tract of land out of a one hundred ninety-nine and nine hundred fifty-nine one-thousandths acre tract of land situated in the vicinity of Houston, Harris County, Tex., to the State of Texas;

S. 2088. An act for the relief of Ladislav Mencl;

S. 2130. An act for the relief of Nicholas John Beltsos;

S. 2154. An act for the relief of Lucia Mary Ann Lucchesi Marchi;

S. 2166. An act for the relief of Nickolas Menis;

S. 2182. An act for the relief of the city of Elkins, W. Va.;

S. 2339. An act to authorize the Secretary of the Interior to include capacity to serve the town of Glendo, Wyo., in a sewerage system to be installed in connection with the construction of Glendo Dam and Reservoir, and for other purposes;

S. 2364. An act to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes;

S. 2374. An act to authorize the Secretary of the Army to enter into contracts to furnish water for municipal water supplies from flood control and river and harbor projects;

S. 2514. An act to declare the portion of the waterway of West Haven and New Haven, Conn., known as the West River, northerly of a line running north 85°54'43.5" east from a point whose coordinates in the Corps of Engineers harbor line system are north 4,616.76 and west 5,450.80, a nonnavigable stream;

S. 2587. An act to amend the Public Health Service Act to authorize the President to make the commissioned corps a military service in time of emergency involving the national defense, and to authorize payment of uniform allowances to officers of the corps in certain grades when required to wear the uniform, and for other purposes;

S. 2591. An act to amend section 602 of the Federal Property and Administrative Services

Act of 1949 with respect to the utilization and disposal of excess and surplus property under the control of executive agencies; and

S. 2671. An act to authorize the Atomic Energy Commission to pay the salary of a Commissioner during the recess of the Senate, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1041) entitled "An act to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide for the inclusion in the computation of accredited service of certain periods of service rendered States or instrumentalities of States, and for other purposes"; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSTON of South Carolina, Mr. NEELY, and Mr. CARLSON to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1077) entitled "An act to provide for settlement of claims for damages resulting from the disaster which occurred at Texas City, Tex., on April 16 and 17, 1947"; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSTON of South Carolina, Mr. HENNINGS, Mr. DANIEL, Mr. WELKER, and Mr. BUTLER to be the conferees on the part of the Senate.

The message also announced that the Senate had ordered, that the Senator from Ohio, Mr. BRICKER, be excused as conferee on the bill (S. 2391) entitled "An act to amend the Defense Production Act of 1950, as amended, and for other purposes," and that the Senator from New York, Mr. IVES, be appointed in lieu.

The message also announced that the Senate had ordered that the Senator from Idaho, Mr. WELKER, be excused as conferee on the bill (S. 1077) entitled "An act to provide for settlement of claims for damages resulting from the disaster which occurred at Texas City, Tex., on April 16 and 17, 1947," and that the Senator from Utah, Mr. WATKINS, be appointed in lieu.

PERMITTING THE MINING DEVELOPMENT AND UTILIZATION OF MINERAL RESOURCES

Mr. ENGLE. Mr. Speaker, I call up the conference report on the bill (H. R. 100) to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 30, 1955.)

DOMESTIC MINERALS PROGRAM EXTENSION ACT OF 1953

Mr. ENGLE. Mr. Speaker, I call up the conference report on the bill (H. R. 6373) to amend the Domestic Minerals Program Extension Act of 1953 in order to extend the programs to encourage the discovery, development, and production of certain domestic minerals, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 30, 1955.)

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDER GRANTED

Mr. MADDEN asked and was given permission to address the House today for 15 minutes, following any special orders heretofore entered.

DECLARATION OF RECESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it shall be in order during the remainder of this session for the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEAVE OF ABSENCE

Mr. CHATHAM. Mr. Speaker, I ask unanimous consent that I be granted leave of absence for the remainder of the session.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE LATE WILLIAM EDWARD BARTON

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, it is with profound regret that I announce to this body the passing of a former Member of Congress from Missouri, William Edward Barton. This fine and distinguished gentleman served in the 72d Congress from March 4, 1931, to March 3, 1933. He gave the old 16th Congressional District of Missouri—comprising many of the counties I represent today—the finest kind of representation and he served well the counties of Maries, Dallas, Laclede, Pulaski, Phelps, Crawford,

Public Law 359 - 84th Congress
Chapter 797 - 1st Session
H. R. 100

AN ACT

To permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mining Claims Rights Restoration Act of 1955".

SEC. 2. All public lands belonging to the United States heretofore, now or hereafter withdrawn or reserved for power development or power sites shall be open to entry for location and patent of mining claims and for mining, development, beneficiation, removal, and utilization of the mineral resources of such lands under applicable Federal statutes: *Provided*, That all power rights to such lands shall be retained by the United States: *Provided further*, That locations made under this Act within the revested Oregon and California Railroad and reconveyed Coos Bay Wagon grant lands shall also be subject to the provisions of the Act of April 8, 1948, Public Law 477 (Eightieth Congress, second session): *And provided further*, That nothing contained herein shall be construed to open for the purposes described in this section any lands (1) which are included in any project operating or being constructed under a license or permit issued under the Federal Power Act or other Act of Congress, or (2) which are under examination and survey by a prospective licensee of the Federal Power Commission, if such prospective licensee holds an uncanceled preliminary permit issued under the Federal Power Act authorizing him to conduct such examination and survey with respect to such lands and such permit has not been renewed in the case of such prospective licensee more than once.

(b) The locator of a placer claim under this Act, however, shall conduct no mining operations for a period of sixty days after the filing of a notice of location pursuant to section 4 of this Act. If the Secretary of the Interior, within sixty days from the filing of the notice of location, notifies the locator by registered mail of the Secretary's intention to hold a public hearing to determine whether placer mining operations would substantially interfere with other uses of the land included within the placer claim, mining operations on that claim shall be further suspended until the Secretary has held the hearing and has issued an appropriate order. The order issued by the Secretary of the Interior shall provide for one of the following: (1) a complete prohibition of placer mining; (2) a permission to engage in placer mining upon the condition that the locator shall, following placer operations, restore the surface of the claim to the condition in which it was immediately prior to those operations; or (3) a general permission to engage in placer mining. No order by the Secretary with respect to such operations shall be valid unless a certified copy is filed in the same State or county office in which the locator's notice of location has been filed in compliance with the United States mining laws.

The Secretary shall establish such rules and regulations as he deems desirable concerning bonds and deposits with respect to the restoration of lands to their condition prior to placer mining operations. Moneys received from any bond or deposit shall be used for the restoration of the surface of the claim involved, and any money received in excess of the amount needed for the restoration of the surface of that claim shall be refunded.

Mining Claims
Rights Restor-
ation Act of
1955.

69 Stat. 681.
69 Stat. 682.

62 Stat. 162.

41 Stat. 1063;
49 Stat. 863.
16 USC 791a.

(c) Nothing in this Act shall affect the validity of withdrawals or reservations for purposes other than power development.

SEC. 3. Prospecting and exploration for and the development and utilization of mineral resources authorized in this Act shall be entered into or continued at the financial risk of the individual party or parties undertaking such work: *Provided*, That the United States, its permittees and licensees shall not be responsible or held liable or incur any liability for the damage, destruction, or loss of any mining claim, mill site, facility installed or erected, income, or other property or investments resulting from the actual use of such lands or portions

69 Stat. 682. thereof for power development at any time where such power develop-
69 Stat. 683. ment is made by or under the authority of the United States, except where such damage, destruction, or loss results from the negligence of the United States, its permittees and licensees.

SEC. 4. The owner of any unpatented mining claim located on land described in section 2 of this Act shall file for record in the United States district land office of the land district in which the claim is situated (1) within one year after the effective date of this Act, as to any or all locations heretofore made, or within sixty days of location as to locations hereafter made, a copy of the notice of location of the claim; (2) within sixty days after the expiration of any annual assessment year, a statement as to the assessment work done or improvements made during the previous assessment year.

SEC. 5. Nothing in this Act contained shall be construed to limit or restrict the rights of the owner or owners of any valid mining claim located prior to the date of withdrawal or reservation: *Provided*, That nothing in this Act shall be construed to limit or restrict the rights of the owner or owners of any mining claim who are diligently working to make a discovery of valuable minerals at the time any future withdrawal or reservation for power development is made.

SEC. 6. Notwithstanding any other provisions of this Act, all mining claims and mill sites or mineral rights located under the terms of this Act or otherwise contained on the public lands as described in section 2 shall be used only for the purposes specified in section 2 and no facility or activity shall be erected or conducted thereon for other purposes.

Approved August 11, 1955.

